

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: July 8, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 042-19 FOR 7/14/20 CLOSED-
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Mission	8/19/19	4:31 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Herrera, A./PO II	4 years, 2 months
Hernandez, R./PO II	1 year, 8 months
Zendejas, M./PO II	7 years, 8 months

Total Involved Officer(s)

1 x Sgt. I
4 x PO II

<u>Suspect</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Carlos Torres Jr.: Male Hispanic, 39 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Officers Herrera and Hernandez. Tactical Debrief, Sergeant Kiefer, along with Officers Zendejas and Organista.

Drawing/Exhibiting – In Policy, No Further Action, Officers Herrera, Hernandez, Zendejas, and Organista.

Lethal Use of Force – In Policy, No Further Action, Hernandez, and Zendejas. In Policy, No Further Action, Officers Herrera (Rounds 1-16 and Rounds 19-25). Out of Policy, Administrative Disapproval, Officer Herrera (Rounds 17,18, and 26).

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis

Synopsis: On Monday, August 19, 2019, at approximately 1621 hours, Mission Patrol Division uniformed police officers responded to the call of a family dispute at 13101 Ottoman Street. The officers contacted the suspect, Carlos Torres Junior (Jr.), hereafter referred to as Torres, and his father, Carlos Torres Senior (Sr.), hereafter referred to as Carlos, at the front porch of the residence. While the officers conversed with Torres and Carlos, Torres removed a handgun from his waistband and fired at the officers, resulting in an Officer-Involved Shooting (OIS). Torres fled the residence and ran west on Ottoman Street, where additional OISs occurred. While still armed, Torres entered an occupied residence. The occupants armed themselves with firearms and ordered Torres out of their home and into a rear alley. While in the alley, Torres pointed his handgun at responding Foothill Area Gang Enforcement Detail (GED) officers, resulting in a final OIS.

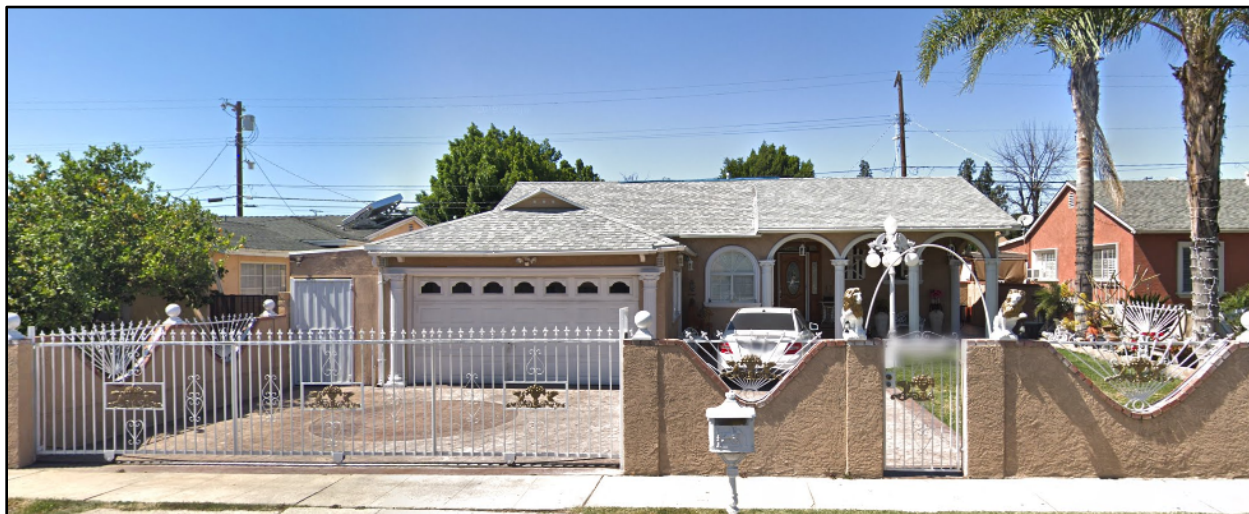
Annotated Force Investigation Division (FID) Incident Summary¹

Following this incident, Force Investigation Division (FID) investigators interviewed Carlos, his wife, Deadira Torres, and their adult son, Manuel Torres. The family advised that Torres carried a firearm and was verbally abusive and threatening toward them. Due to concerns for their safety, Carlos and Deadira began living at their daughter's residence, which angered Torres. He threatened that if they did not return home, he would damage their residence and/or hurt them. On August 17, 2019, Carlos called the Los Angeles Police Department (LAPD) and met with Mission Patrol Division officers near his residence. According to Carlos, he described Torres' behavior to the officers, but was advised there was nothing they could do (Issues and Concerns No. 1).

On August 19, 2019, Carlos and Deadira asked their adult grandson, Ariel Torres (a Los Angeles School Police Officer), to assist them with speaking to the police. At approximately 1550 hours, they met with Police Officer II Lauren McDermott, Serial No. 43367, at the front desk of Mission Community Police Station. According to Ariel, Officer McDermott assisted him with calling Communications Division (CD) from the front desk. Ariel told the operator that Carlos and Deadira were the legal owners of 13101 Ottoman Street and that Torres had illegally locked them out. Ariel advised that Carlos and Deadira would be standing by near Ottoman Street and Lev Avenue. The operator told Ariel that officers would call them upon their arrival. Communications Division generated Incident No. 190819004186 and dispatched it via Mobile Digital Computer (MDC) to Unit 19A85 (Issues and Concern No. 2).

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

At 1556 hours, Mission Patrol Division uniformed Police Officers II Adiel Herrera, Serial No. 42119, and Raul Hernandez, Serial No. 43361, Unit 19A85, received a “family dispute” call at 13101 Ottoman Street.² While en route to the incident, Officer Hernandez read the following comments to Officer Herrera: *“UPON ARRIVAL CONTACT PR. PR STANDING BY IN BLK ESCALADE NO PLTS, SUSP/SON M/H 35-40YRS, 509-510, 140-160LBS, BALD, TATTOOS ON RIGHT SIDE OF HEAD (LETTER P), NFD. UNK IF ANY WPNS. SUSP LOCKED PR OUT OF RES. PR REQ PD TO KEEP THE PEACE.”* At 1619 hours, Officer Hernandez placed their unit Code Six via their MDC, as Officer Herrera parked their police vehicle along the south curb of Ottoman Street, one house west of the location of the radio call.³



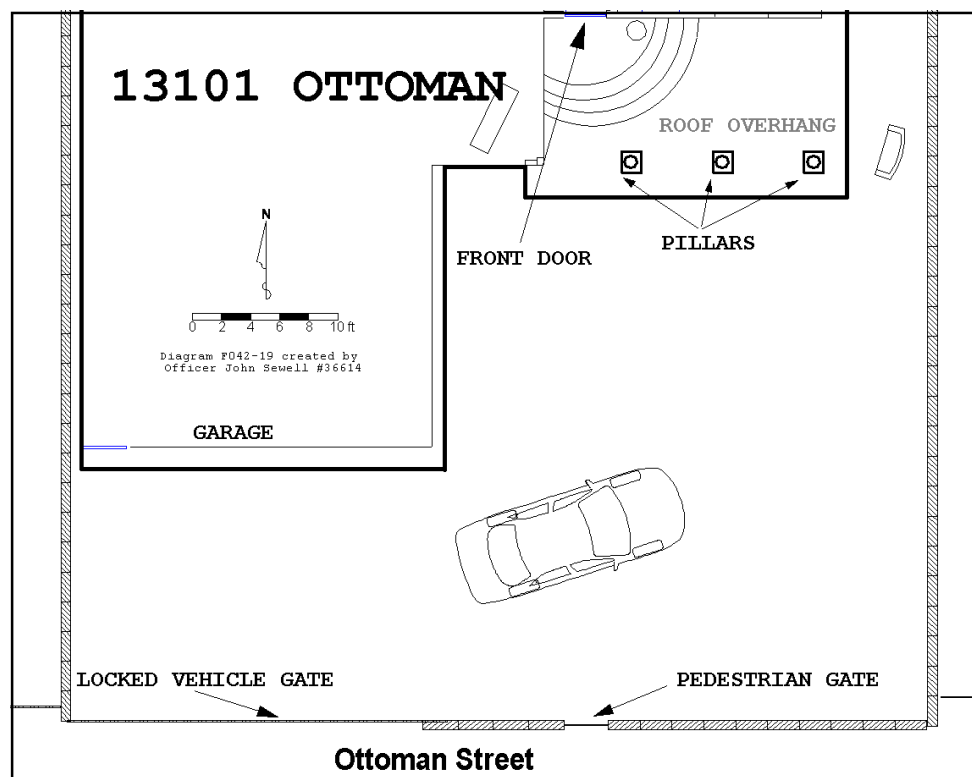
[Photo of 13101 Ottoman Street from Google Maps]

Officers Hernandez and Herrera entered the enclosed courtyard through the pedestrian gate and walked toward a small set of steps leading to the front door. Officer Hernandez stated he watched the doors, windows and side gates as they approached the residence. According to Officer Herrera, he planned to speak to the PR (Person Reporting) of the radio call prior to formulating a tactical plan. Before reaching the steps, Torres opened the door and stood outside the threshold. The officers positioned themselves offset from each other with Officer Hernandez south of Torres and Officer Herrera southeast of Torres. From the base of the steps, the officers asked Torres if he had called the police. Torres advised he had not and asked if they were responding to

² Officer Herrera, 4 years, 2 months with the Department, 5 feet 7 inches tall and 190 pounds. Officer Hernandez, 1 year, 8 months with the Department, 5 feet 6 inches tall and 190 pounds. Both officers were wearing their ballistic vests, and each had a Department-approved handgun, TASER, ASP baton, Oleoresin Capsicum (OC) spray, handcuffs, and a Hobble Restraint Device (HRD) attached to their Sam Browne equipment belt. The officers were also equipped with Body Worn Video (BWV) cameras affixed to the front of their uniforms. The officers' vehicle, Shop No. 81170, was a marked black and white Ford Explorer with a forward-facing red light and a Digital In-Car Video System (DICVS) camera mounted inside the front windshield. Officer Herrera was the driver and Officer Hernandez was the passenger. Officers Herrera and Hernandez transferred to Mission Patrol Division approximately three weeks prior to this incident and this was their second time working together.

³ Unless otherwise noted, all subsequent times were derived from the officers' BWV.

his home security alarm. When questioned by the officers, Torres stated he lived in the residence with his parents, who were currently at work. Officer Herrera contacted CD and inquired if the PR wished to meet. Communication Division advised the officers that the PR was en route, while they continued speaking with Torres for approximately five minutes.



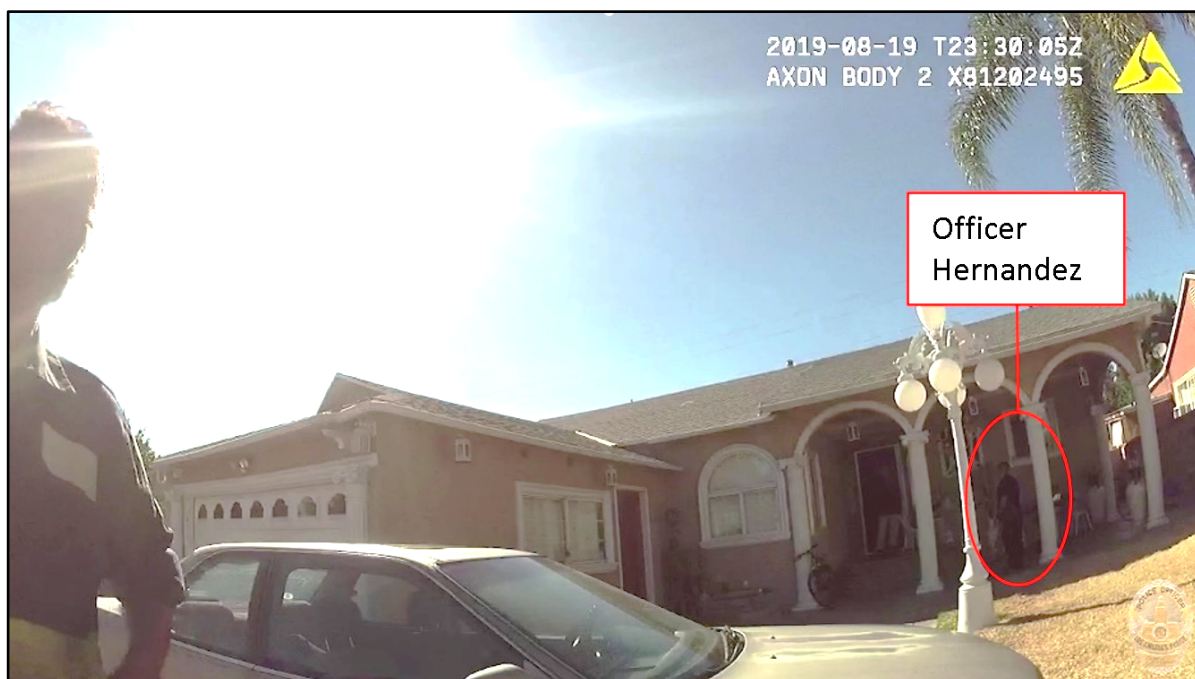
[Diagram of the front courtyard of 13101 Ottoman Street]

OIG Note No. 1: Most of the initial conversation between the officers and Torres addressed Torres's belief that the officers were there for an alarm activation. At one point, Torres volunteered to accompany the officers to a neighbor's house so that he could use the neighbor's phone to call his father regarding the alarm.⁴

At 1628 hours, Carlos arrived at his residence. Officer Herrera spoke with him near the pedestrian gate to the courtyard, while maintaining a view of Torres and his partner. Officer Hernandez indicated he stayed with Torres, so Officer Herrera could interview Carlos without Torres interrupting or overhearing the conversation. According to Officer Hernandez, Torres appeared nervous and insisted on speaking with his father. Officer Hernandez adjusted his position so that he could maintain a view of his partner, while speaking with Torres. Both officers stated that there was nothing about Torres' appearance or demeanor that indicated he was armed.

⁴ Officers Hernandez and Herrera's BWVs, from 23:22:09z – 23:27:50z.

Note: According to Deadira, after leaving Mission Area Community Police Station, she and Carlos parked in an alley located one or two blocks south of their residence and waited for the officers to contact them. Deadira indicated that Carlos was later called by a police officer and asked to meet at their residence. She did not accompany her husband because she was fearful and called a neighbor to pick her up. Deadira did not witness the ensuing OIS.⁵



[Image from Officer Herrera's BWV as he spoke with Carlos]⁶

Carlos advised Officer Herrera that his family could not enter their house because Torres was threatening them. Carlos said, *"...and he is carrying a gun. I don't know if he has it with him or not, I'm sure he does. If not, I can tell you roughly where it's at. If not, I would like to have you guys search for it."* Officer Herrera asked if Torres had ever used the gun against them. Carlos replied, *"He has shown it to us...Uh, well pointed it at us a couple of times."*⁷ Carlos advised that Torres had his own room, which was locked, and that he did not have access to it. Officer Herrera again asked where Torres' gun was located. Carlos stated that he did not know if Torres had the gun with him or if

⁵ Ariel Torres was not in the area when the OIS occurred. He stated he became aware of the OIS through an application on his phone approximately 10 to 20 minutes after it occurred. When Ariel called Deadira following the incident, she advised him that she had heard gunshots, but remained around the corner.

⁶ To enhance the clarity of the image above, the following changes were made using Microsoft Word, Brightness: +40% Contrast: -20%.

⁷ The quotes attributed to Carlos were derived from Officer Herrera's BWV at approximately 1628:25 hours.

it was in his room. He added that Torres usually carried the gun on his person “near his stomach.”

Officer Herrera asked Carlos if Torres had been previously arrested to determine if he could legally possess a firearm. According to Officer Herrera, when Carlos told him Torres had served 15 years in prison for Attempted Murder, he realized Torres was a felon and was prohibited from possessing a firearm.

Officer Herrera indicated he then gestured for Carlos to remain where he was, while he focused his attention on Torres. Officer Herrera walked back to the porch to inform his partner of what Carlos had told him and to form a plan as to how they were going to handle the incident. Upon joining his partner, Officer Herrera asked Torres to step down from the porch. Officer Herrera chose not to draw his pistol at that point in an attempt to de-escalate the situation and gain compliance from Torres. Officer Herrera stated his plan was to order Torres to face away from them once he complied with his direction.

Officer Herrera stated, “...I observed that he [Torres] was acting a little different, I -- I didn't want to escalate any further, but so I was trying to talk to the -- to the suspect to, you know, to have him come down to the ledge. Once he got to the bottom, I was going to turn around -- make him turn around.”⁸

When questioned as to whether Officer Herrera considered calling his partner back to his (Herrera's) location with Carlos, he stated, “No. I didn't...he [Hernandez] would have had to turn around to come to me. So in order for us to be facing the suspect, I wanted to approach him.”⁹ Officer Herrera also indicated that his plan was to unholster his pistol and request a backup and a supervisor once he had the opportunity to advise his partner what Carlos had told him.

Torres did not respond to Officer Herrera's request to step down off the porch and instead began calling to his father, who had walked up to the bottom of the porch steps near the officers. Approximately five seconds after asking Torres to step off the porch, Officer Herrera leaned over to Officer Hernandez and stated, “Apparently, he said that he [Torres] has a firearm.” Torres appeared to have observed the officers' interaction and immediately stepped back inside the threshold of the residence while saying, “Gentleman, don't come in.”

Note: According to Officer Herrera, he whispered the above statement to his partner. It is unknown if Torres overheard the officers communicating with each other.

⁸ Herrera (Second Interview), Page 19, Lines 2-7.

⁹ *Id.*, Page 18, Lines 17-20.

Officer Hernandez said, “*Carlos, wait, wait, Carlos [referring to Torres]...*” Officer Hernandez told investigators he was attempting to keep Torres from going inside the residence and potentially arming himself. Carlos told the officers they had his permission to enter his residence, Torres then reached into his right front waistband area with his right hand and removed a concealed handgun from beneath his sweatshirt. Torres raised the handgun toward the officers and Carlos, while stepping behind the partially closed front door and stated, “*Okay, if you want me gentleman, come in.*” Torres then fired one round in their direction. In response to Torres’ actions, both officers unholstered their pistols and simultaneously returned fire, while Carlos ran to the garage area for cover.¹⁰



[Image from Officer Hernandez’ BWV of Torres removing his handgun]¹¹

Officer Hernandez - Volley One

Officer Hernandez observed Torres remove the handgun from his waistband. Before he could give Torres commands, Torres raised the pistol and pointed it in their direction, while closing the front door. Officer Hernandez immediately perceived Torres’ actions as a deadly threat and unholstered his pistol to a two-handed grip, while he stepped to his right. Officer Hernandez stated, “*I sidestepped to create that – some distance from my partner just in case my partner gets hit. At least now he has to re-aim towards my area, and it gives me a little more time to react and address the threat. Or vice versa, if*

¹⁰ Although both officers indicated they exchanged gunfire with Torres, they were not certain who (the officers or Torres) fired first. Based on a review of BWV, it appeared that Torres was the first to fire his weapon.

¹¹ To enhance the clarity of the image, the following changes were made using Microsoft Word, Brightness: +20% Contrast: -20%.

he [Torres] decides to go for me first, now my partner has some time to actually address the threat..."¹² Officer Hernandez indicated that due to the speed at which the incident unfolded, he did not have time to alert his partner that Torres was armed. However, Officer Hernandez believed his partner made the same observations he did because he (Officer Herrera) drew his pistol and reacted at the same time.

In fear for his life, Officer Hernandez believed he fired three to four rounds at Torres' center body mass from an approximate distance of 20 feet.¹³ When Officer Hernandez stopped firing and lowered his pistol to assess, he observed that the front door was closed and Torres was no longer visible.

Officer Herrera - Volley One

Officer Herrera also observed Torres remove a handgun from his waistband and point it at them with his right hand. In response to that threat, Officer Herrera moved backward and unholstered his pistol to a two-handed grip. Officer Herrera heard a gunshot, observed smoke emanating from the barrel of Torres' handgun and believed the suspect had fired at him. While continuing to step backward, Officer Herrera believed he fired six or seven rounds at Torres' center body mass.¹⁴ He fired those rounds from an increasing distance of approximately 17 to 25 feet.

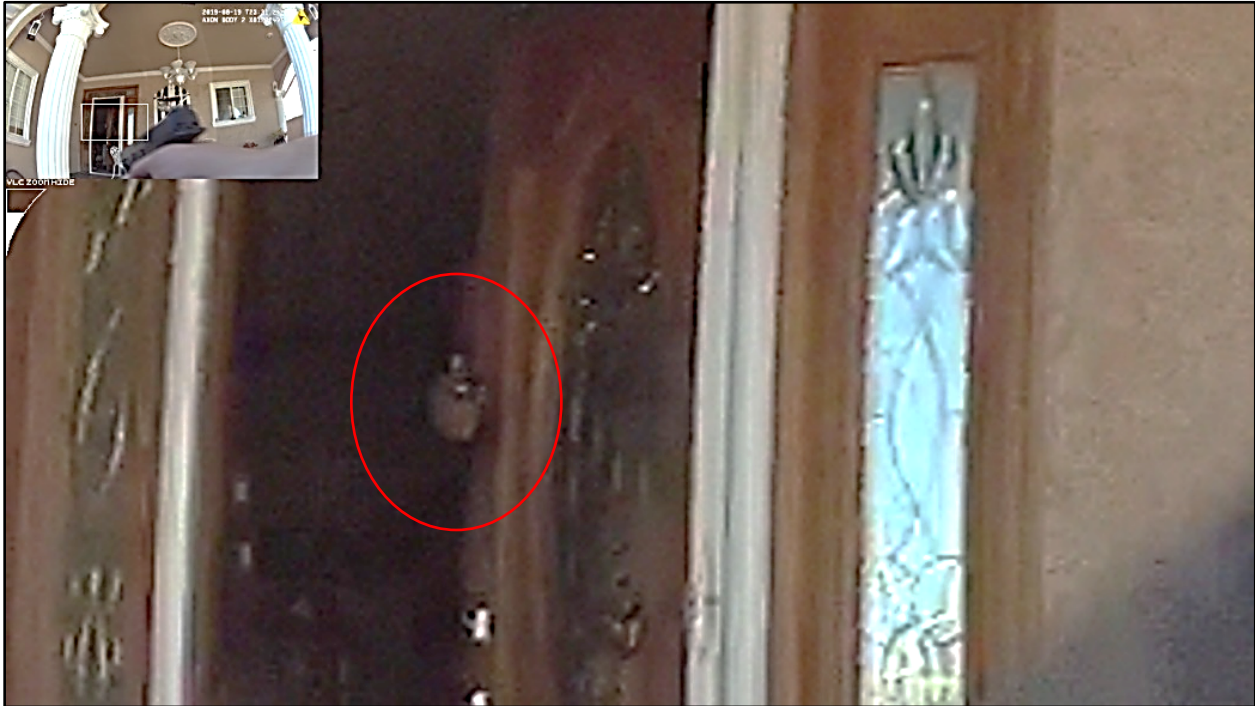
Officer Herrera indicated that when he started firing, the left side of Torres' body was obscured behind the front door. As Torres continued to close the door, his handgun remained outside and pointed toward him. Officer Herrera continued to fire at Torres by estimating his location based on the location of Torres' handgun. Officer Herrera stated he assessed while firing and stopped firing when he no longer observed Torres' weapon and saw that the door had completely closed.

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¹² Hernandez (Second Interview), Page 31, Lines 15-22.

¹³ The investigation determined Officer Hernandez fired four rounds. Unless otherwise noted, the officers' shooting distances were derived from BWV.

¹⁴ The investigation determined that Officer Herrera fired seven rounds.



[Zoomed image from Officer Herrera's BWV of Torres pointing his handgun at the officers]¹⁵

Immediately after firing and while still moving backward, Officer Herrera broadcast, "*Shots fired, officer needs help,*" over Mission/Foothill Base Frequency.¹⁶ Officer Herrera exited the courtyard and took cover behind a brick/stucco wall that was connected to the pedestrian gate and broadcast, "*19A85 shots fired, officer needs help.*"

Note: Carlos believed that Torres first fired at him and then at the officers. When Torres' pistol was ultimately recovered, it was found to contain a discharged cartridge case in the chamber and a fully loaded magazine containing 10 rounds of ammunition. Additionally, a fired bullet was recovered from the porch area that was determined to have been fired in Torres' pistol. There was no physical or video evidence to support that Torres fired more than once during this incident.

After firing, Officer Hernandez brought his pistol to a low-ready position with his index finger on the frame. Officer Hernandez could no longer see Torres inside the residence and moved south in the courtyard, while simultaneously directing Officer Herrera to move back. As Officer Herrera took cover outside the courtyard, Officer Hernandez redeployed west, within the courtyard, and sought cover on the south side of the garage with Carlos. Officer Hernandez then directed Carlos to jump over the west fence of the courtyard to prevent him from being shot by Torres.

¹⁵ To enhance the clarity of the image above, the following changes were made using Microsoft Word, Sharpen: 25%, Brightness: +20%, Contrast: -20%.

¹⁶ On the day of the incident Mission and Foothill Areas were using the same radio frequency.



[Image from Officer Hernandez' BWV immediately following his first volley of fire]

As Carlos jumped over the fence into the neighboring yard, Officer Hernandez heard Torres say, "Pa" and then observed Torres on the west fence in the rear yard of 13101 Ottoman Street. Officer Hernandez believed Torres was attempting to access the roof of the residence and gain a tactical advantage. Officer Hernandez redeployed from the south side of the garage and joined Officer Herrera [on the sidewalk] behind the wall near the pedestrian gate. Officer Hernandez told Officer Herrera that Torres might be on the roof and directed him to move west and check for Torres.

Note: Carlos stated that as he was climbing over the fence, he heard Torres say, "Pa," and believed Torres fired a second shot at him. Carlos then ran south across Ottoman Street. The officers did not report hearing a gunshot at that time and the investigation did not identify any video or physical evidence to support that Torres fired at Carlos a second time.

Officer Herrera remained unholstered and moved in a southwest direction from the north sidewalk onto Ottoman Street. Officer Herrera stated he moved into the street in order to use [parked] vehicles as cover and to create distance from the residence, because he feared Torres might fire at them through the windows. Officer Herrera suddenly observed Torres running west on the north sidewalk and onto Ottoman Street with the pistol in his right hand. While running, Torres turned counterclockwise and from under his left armpit, pointed his pistol in a southeast direction back at him.

Note: The investigation was not able to establish how Torres exited his residence. However, security video from 13113 Ottoman Street captured Torres moving south along the west side of 13107 Ottoman Street (one

house west of Carlos' residence) before jumping a fence and entering the front driveway. Additional video footage from this security system captured images of Carlos walking south on the same driveway. As Torres comes into view, Carlos can be seen fleeing into the street with Torres running behind him holding the pistol in his right hand.



[Image from Officer Herrera's BWV of Torres on the north sidewalk of Ottoman Street]

Officer Herrera - Volley Two

According to Officer Herrera, while Torres ran west on Ottoman Street, he continued pointing the pistol at him. In response to Torres' actions, Officer Herrera utilized a two-handed grip and fired 11 rounds at him from an increasing distance of approximately 38 to 97 feet.¹⁷ Officer Herrera indicated that as he fired his last shot, Torres began turning clockwise, away from him. Officer Herrera assessed and observed Torres was no longer pointing the handgun at him. Torres stumbled moments later and fell in the street. Officer Herrera lowered his pistol and observed it was out of ammunition with the slide locked back. He then saw Torres running toward the north sidewalk of Ottoman Street and lost sight of him near a sport utility vehicle that was parked along the north curb [in front of 13125 Ottoman Street].

Officer Herrera believed Torres continued running west but attempted to confirm his direction to broadcast that information to responding units. As Officer Herrera ran west, he conducted an out-of-battery speed reload by ejecting the empty magazine from his pistol and loading a full magazine.

¹⁷ The number of rounds fired during this volley were determined from BWV and the physical evidence at scene.

Note: Officer Herrera believed he fired eight or nine shots at Torres and indicated he fired in pairs, assessing between each pair of shots. A review of Officer Herrera's BWV determined he fired four shots in rapid succession, followed by a brief pause, then seven additional shots.

Officer Hernandez - Volley Two

According to Officer Hernandez, he observed Torres west of him on the north sidewalk of Ottoman Street. Torres had the pistol in his hand and was running toward Carlos, who was on the south side of Ottoman Street.¹⁸ Officer Hernandez observed Torres raise the pistol and point it in a southeast direction, toward Officer Herrera and Carlos. Officer Hernandez raised his pistol, focused on the front sight and targeted the left side of Torres' chest and torso. Officer Herrera stated, *"I'm focusing on the -- on my front sight of the gun to get an accurate -- an accurate shot. Because for every round that I attempted, I wanted to be as accurate as I could to reduce anyone from like -- any bystander or anyone near the area from actually getting injured if I -- if I miss."*¹⁹

While utilizing a two-handed grip, Officer Hernandez fired three shots at Torres from an approximate distance of 71 feet. Officer Hernandez said, *"I could see him pointing towards like the father and where my partner were, in that general area. At that point I just -- I opened fire again, because there was an eminent [sic] threat that he was going to cause either death or serious bodily injury to my partner or his father."*²⁰ When Officer Hernandez stopped firing and lowered his weapon to assess, he observed Torres fall, get up, and run west on Ottoman Street.

[This space intentionally left blank.]

¹⁸ Officer Hernandez did not know which hand Torres held the pistol with.

¹⁹ Hernandez (Second Interview) Page 47, Lines 8 -14.

²⁰ *Id.*, (First Interview) Page 9, Line 21 – Page 10, Line 2.



[Image from Officer Hernandez' BWV just prior to his second volley of fire]

Officer Hernandez noted that Torres had already attempted to cause serious bodily injury or death on two occasions and believed it was necessary to follow him in order to stop his actions. Officer Hernandez moved along the north curb of Ottoman Street and used parked vehicles for cover, while Officer Herrera ran west on the south side of the street. While moving, Officer Hernandez broadcast, *"the Suspect is running, be advised, suspect is running."*²¹ Officer Hernandez lost sight of Torres and sought cover behind a black pick-up truck parked along the north curb of Ottoman Street.²² While behind the truck, Officer Hernandez conducted a tactical reload.

Officer Herrera - Volley Three

Meanwhile, as Officer Herrera approached the sidewalk near the southeast corner of Ottoman Street and Lev Avenue, he observed Torres waiting for him on the north sidewalk. According to Officer Herrera, Torres was holding his pistol with two hands while pointing it directly at him. While moving backward, Officer Herrera utilized a two-handed grip and fired seven rounds at Torres from an increasing distance of 118 to 129 feet.

²¹ The above quote was obtained from Officer Hernandez' BWV and was broadcast at 1632:02 hours.

²² The vehicle was a Nissan Frontier with California License Plate No. 17378J1, and was parked in front of 13113 Ottoman Street.



[Image from Officer Herrera's BMWV]

Officer Herrera stated he fired while backing up to use a parked vehicle behind him as cover. When Officer Herrera stopped firing, he observed smoke coming from Torres' pistol and believed Torres was shooting at him. Officer Herrera took cover behind a silver Honda sedan that was parked along the south curb of Ottoman Street east of Lev Avenue.²³

Witness Christian Mangual stated he was in the driveway of 13134 Ottoman Street when he heard gunfire and observed Torres running west toward Arleta Avenue. Mangual observed Torres stop on the north sidewalk, directly across the street from him, holding what appeared to be a silver or chrome, .38 caliber handgun in his left hand. Mangual observed Torres pull the trigger and fire two or three rounds in an easterly direction. Mangual believed Torres was firing at an officer that he later observed following Torres toward Arleta Avenue.

OIG Note No. 2: *Mangual was washing a vehicle in the driveway of his home when his attention was drawn to the sound of gunfire. He looked up to see a person, later determined to be Torres, directly across the street from his home. According to Mangual, Torres stopped and bladed his body toward an officer located to his (Torres's) east, extended his left arm, and pointed a handgun toward the officer to his east. Mangual saw Torres pull the trigger, heard gunfire, and formed the belief that Torres was firing*

²³ The vehicle was a silver Honda Civic with California License Plate No. 8DWA293, that was parked in front of 9148 Lev Avenue.

his handgun.²⁴ As described by Mangual, Torres appeared to be “agitated like if he was like on drugs...”²⁵

Carlos stated he ran behind the officers as they traveled west on Ottoman Street. He observed Torres fire at the officers approximately three or four times and stated the officers returned fire an equal number of times.

Note: The investigation did not identify and video or physical evidence to support that Torres fired at Officer Herrera while Torres stood on the north sidewalk west of 13125 Ottoman Street.

Officer Herrera - Last Round

While standing near the passenger side of the silver Honda, Officer Herrera observed Torres turn and run west on the north sidewalk of Ottoman Street. While Torres continued running, Officer Herrera observed a shiny object he believed was Torres' pistol, coming from underneath his left armpit. Officer Herrera believed Torres was pointing his pistol at him again and fired one additional round at Torres from an approximate distance of 143 feet.



[BWV Time 1632:22 hours]

[...]

²⁴ Mangual, Page 15, Lines 9-23 and Page 17, Lines 2-9.

²⁵ *Id.*, Page 19, Lines 9-10.



[BWV Time 1632:24 hours]

Note: The zoomed image above depicts Torres' position at the approximate time Officer Herrera fired his final shot.

Torres continued to run west on Ottoman Street. Officer Herrera eventually lost sight of Torres and believed he turned north upon reaching Arleta Avenue. In an effort to establish containment, Officer Herrera ran to the southeast corner of Ottoman Street and Arleta Avenue, to determine Torres' direction of travel for responding units.

Officer Hernandez remained positioned behind the black pick-up truck as Officer Herrera fired his final shots at Torres. After reloading his pistol, Officer Hernandez lost sight of Torres. He followed Officer Herrera west on Ottoman Street, while continuing to use (parked) vehicles and trees as cover. While moving, Officer Hernandez broadcast, *"Suspect is running to Arleta...Arleta and Ottoman... Be advised he's armed...he is armed with a gun, handgun."*²⁶

Officer Hernandez joined Officer Herrera on the southeast corner of Arleta Avenue and Ottoman Street, where they both utilized palm trees in the front yard of 13140 Ottoman Street as cover. Officer Hernandez then broadcast, *"Be advised the suspect is wearing a black sweater, wearing all black, wearing all black."* Officer Herrera believed Torres ran north on Arleta Avenue and broadcast, *"19A85...last seen northbound on Arleta toward Branford."*²⁷ The officers remained at the southeast corner until responding units arrived.

[...]

²⁶ The above quote was obtained from Officer Hernandez' BWV and was broadcast at 1632:36 hours.

²⁷ The above quotes were obtained from Officers Hernandez and Herrera's BWV at 1633:22 hours and 1634:12 hours respectively.

Unbeknownst to the officers, Torres unlawfully entered the corner residence of 13141 Ottoman Street through an unlocked front door. Monica Urquiza, her husband Raul Urquiza Senior, and their adult son, Raul Urquiza Junior, were present in the home with four children whose ages ranged from three to sixteen. They did not know Torres, nor had they seen him before.²⁸

According to Monica, she observed Torres enter her home with a gun in his hand. Torres told her, *"Don't worry. I'm not going to shoot you."*²⁹ Torres asked her to hide him because the police were chasing him. Monica told Torres to get out and yelled to Raul Sr. that Torres had a gun.



[Image from the front door security camera at 13141 Ottoman Street]³⁰

According to Raul Sr., he heard gunfire and armed himself with a 12-gauge, pump-action, shotgun and Raul Jr. armed himself with a 9mm handgun. When Raul Sr. observed Torres standing in the hallway in front of his bedroom door, he racked the shotgun, prompting Torres to state, *"Don't shoot, don't shoot."* Raul Sr. described Torres' handgun as a black .22 caliber "automatic" with a long barrel. Both men ordered Torres out of the residence and into the backyard. According to Raul Jr., they repeatedly ordered Torres to drop his handgun. Torres did not comply and kept his pistol next to his chest, pointed downward. Once outside, they ordered Torres out of the backyard and into the adjacent alley on the north side of their property. According

²⁸ Raul Senior and Raul Junior will hereafter be referred to as Raul Sr. and Raul Jr. respectively.

²⁹ Statement of Monica Urquiza Page 3, Line 25.

³⁰ To enhance the clarity of the image above, the following changes were made using Microsoft Word, Brightness: +40%, Contrast: -40%.

to Raul Jr., Torres appeared to have an injured arm and struggled to climb over the wall, but continued to maintain possession of his pistol.

Foothill GED uniformed Police Officers II Miguel Zendejas, Serial No. 40955, and Jose Organista, Serial No. 39830, Unit 16G23, were starting their shift at Foothill Community Police Station when they heard the *"Shots fired, Officer Needs Help"* broadcast.^{31 32}

They responded Code Three and in trail with other members of the Foothill Area GED unit including: Sergeant I Brandon Kiefer, Serial No. 37641, Unit 16G20, Police Officer III Aaron Green, Serial No. 36890, and Police Officer II Deirdre Fonseca, Serial No. 41863, Unit 16G21, Police Officers II Jorge Palacios, Serial No. 41775, and William Ibarra, Serial No. 40905, Unit 16G63, Police Officer III Melvin Peraza, Serial No. 38705, and Police Officers II Kenneth Morales, Serial No. 42322, and Felix Rodriguez, Serial No. 42348, Unit 16G61.

Air Support Division (ASD), Air 16 staffed by Police Officer II+6 Christopher Vanhorn, Serial No. 32040, pilot, and Police Officer II+5 Manuel Gomez, Serial No. 37483, Tactical Flight Officer (TFO), also responded to the help call. At 1634:43 hours, TFO Gomez observed Torres in the alley and broadcast, *"Male black, verify male black, black long sleeve shirt, black pants, I have a male black in the alley...east/west alley...south of Branford at Arleta."*

Officers Zendejas and Organista arrived in the area of Arleta Avenue and Branford Street with the other units. As they approached, Officer Organista removed his seatbelt and lowered the windows to his vehicle. Officer Zendejas noted that the air unit did not specify which side of the street the suspect was on. He looked to the west side of Arleta Avenue, but did not observe a suspect.

At 1634:54 hours, Officer Hernandez, who was still with Officer Herrera on Ottoman Street, broadcast *"Male Hispanic bald, he is going to be bald."* Officer Organista indicated he heard that broadcast as he looked to his left (east) and observed Torres in the alley. As Officer Organista maneuvered past a maroon sedan, he observed Torres look west in their direction before extending his right arm and pointing a handgun at them.³³ Officer Zendejas stated that he also observed Torres look in their direction

³¹ Officer Zendejas, 7 years, 8 months with the Department, 5 feet 8 inches tall and 185 pounds. Officer Organista, 7 years, 8 months with the Department, 5 feet, 6 inches tall and 150 pounds. Both officers were wearing their ballistic vests, and each had a Department-approved handgun, TASER, ASP baton, OC spray, handcuffs, and an HRD attached to their Sam Browne equipment belt. The officers were also equipped with BWV cameras affixed to the front of their uniform shirts. The officers' vehicle, Shop No. 87060, was a marked black and white with a forward-facing red light and a DICVS camera mounted inside the front windshield. Officer Organista was the driver and Officer Zendejas was the passenger.

³² Officers Zendejas and Organista were academy classmates and they had been partners for approximately five years. Officer Zendejas indicated that before starting their shifts, they discussed tactics including contact and cover and de-escalation as covered in LAPD Directive No.16.

³³ The sedan was a BMW with California License Plate No. 5XXC870. The driver of that vehicle was identified as Apolonia Rivera. Her transcribed interview was included as part of this investigation.

while pointing a dark colored pistol at them. Officer Zendejas said Torres assumed a two-handed Isosceles type shooting stance with his arms extended out at shoulder level.

Note: Other officers who observed Torres, including TFO Gomez and Rodriguez, as well as civilian witnesses Raul Jr. and Apolonia Rivera, stated Torres used his right hand and pointed a handgun at the officers (Organista and Zendejas).

OIG Note No. 3: According to Rivera, she believed Torres initially pointed the gun at her before pointing it at the nearby officers.³⁴



[Security camera image from 13141 Ottoman Street depicting Torres pointing his gun toward Arleta Avenue]

At 1635:04 hours, Officer Zendejas can be heard on his BWV saying, “He has a gun!” He then exited his front passenger door, unholstered his pistol, and while utilizing a two-handed grip, fired one round at Torres from an approximate distance of 95 feet.³⁵ He stopped firing because Torres fell to the ground and was no longer holding the pistol.

OIG Note No. 4: Security camera footage gathered during the investigation shows that, approximately 30 seconds before the final officer-involved shooting during this incident, Torres climbed over a fence

³⁴ Rivera, Page 4, Line 25 to Page 5, Line 4, and Addendum No. 4.

³⁵ Officer Zendejas fired his round approximately three seconds after (1635:07 hours) alerting his partner that Torres was armed.

into the alley north of Ottoman Street. Upon first landing in the alley, Torres walked westbound, out of the security camera's view. Raul Sr. then retreated in a southeasterly direction while still holding a shotgun. Raul Jr. stayed near the fence while still armed with a pistol, looking in the direction in which Torres was last seen walking.

Approximately 14 seconds later, Torres came back into the security camera's view, this time walking in an easterly direction. He was looking southbound in the direction of Raul Jr. and appeared to be conversing with him. Meanwhile, Raul Sr. also came back into the security camera's view and walked in a northwesterly direction, still armed with a shotgun. Torres continued to look southbound and still appeared to be talking. Torres stopped momentarily before starting to walk backwards, still in an easterly direction.

Torres then quickly looked westbound and extended his right arm and hand, in which he was still holding a pistol. He turned his gaze back toward Raul Jr. and Raul Sr. while continuing to walk backward in the alley. He then lowered his outstretched arm and hand until it was blocked from the security camera's view by a wall on the south side of the alley. Approximately five seconds later, and consistent with the time at which Officer Zendejas fired his pistol, Torres dropped out of the security camera's view.³⁶

Regarding his decision to utilize deadly force, Officer Zendejas stated, "...I immediately unholstered due to the tactical situation. He was armed, and I ended up firing approximately one round, because I had reason to believe -- it was an immediate defense of life. He was going to hurt me, he was going to hurt my partner, or the community around...Once I shot -- shot one time, the suspect stumbled back. I believe he fell to the ground, and that's the reason I shot only one time. The threat was stopped at the time."³⁷

OIG Note No. 5: *According to Officer Zendejas, at the time he fired he was also thinking about information he had received during his roll call briefing about a similar scenario in which officers were ambushed in an alley. Officer Zendejas reported, "And another thing, as all this is going on, I'm thinking in my head, before I fire the shot, earlier that day in roll call we were briefed about the OIS that happened in Hollenbeck. Similar where the suspect -- the suspect ambushed the officers in the alley. So this is going through my head. I'm like shit, it's an ambush. We're going*

³⁶ Home security surveillance footage, from 16:32:26 – 16:33:06.

³⁷ Zendejas (Second Interview) Page 6, Lines 5-10 and Page 6, Line 23 – Page 7, Line 1.

to get shot at. You know, I'm not going to get -- I'm going to do whatever I can to stop the threat and defend my life and defend my partner's life."³⁸

Officer Organista stated that he exited the police vehicle, stood behind the driver's door and unholstered his pistol.

As he acquired the sights on his pistol, he realized their vehicle was rolling forward. He then transferred his pistol to his left hand and placed his vehicle in park with his right hand. Officer Organista believed he heard a gunshot as he placed the vehicle in park.

Note: Based on a review of BWV, Officer Zendejas fired approximately four seconds before Officer Organista placed their vehicle in park.



[Image from Officer Zendejas' BWV of Torres immediately prior to the OIS]

Upon hearing the gunshot, Raul Sr. and Jr. put down their firearms and placed their hands in the air. At approximately 1635 hours, TFO Gomez broadcast that Torres was down in the alley and indicated that there was a male Hispanic with a shotgun in the adjoining yard.

There were numerous officers who arrived at scene either immediately before or shortly after Officer Zendejas' fired his round. Those officers included:

- Mission Patrol Division uniformed Police Officers II Jose Moya, Serial No. 39720, Unit 19EL1, Todd Brooks, Serial No. 42056, and Brandon Tsai, Serial No. 42561, Unit 19Z5, Kyle Griffin, Serial No. 42066, and Brent Kruse, Serial No. 43293, Unit

³⁸ Zendejas, 2nd Interview, Page 6, Lines 13-22.

19A79, and Police Officer III Michael Miller, Serial No. 36332, and Police Officer I Simon Simental, Serial No. 43708, Unit 19A94, Police Officer III Brady Cuellar, Serial No. 38790, and Police Officer I Jonathan Perez, Serial No. 43542, Unit 19A75, and Sergeant I Edgar Vega, Serial No. 34248, Unit 19L20.

- Foothill Patrol Division uniformed Police Officers II John Fischer, Serial No. 32264, and Robert Sherock, Serial No. 40928, Unit 16X24, Mark Enrique, Serial No. 40804, and Police Officer I Mark Powell, Serial No. 43546, Unit 16A81, and Police Officer II Tamara Myers, Serial No. 35867, Unit 16EL1.
- Foothill Area Narcotic Enforcement Detail (NED) Detective III Travis Coyle, Serial No. 33128, Unit 16N60, Detective II Rodolfo Rodriguez, Serial No. 33940, Unit 16N62, and Police Officer II Shawn Stevens, Serial No. 36001, Unit 16N65.
- Foothill GED uniformed Police Officer III Santos Gonzalez, Serial No. 40814, and Police Officer II Eduardo Piche, Serial No. 42045, Unit 16G22.
- Van Nuys GED uniformed Police Officers II Matthew Brandenburg, Serial No. 42192, and Leonardo Serrato, Serial No. 42220, Unit 9G22.

The officers responding to this incident deployed their rifles, shotguns and handguns. Unless the officers were involved in the OIS or were part of the arrest team, the drawing and exhibiting of their firearms was not included as part of this report.

The below listed officers provided the following rationale for their decision to draw and exhibit a firearm:

- Officer Rodriguez stated that as he arrived, he observed Torres raise the pistol with his right arm and point it at him. Officer Rodriguez believed Torres was going to shoot him. He exited his police vehicle and unholstered his pistol. Upon seeing other officers armed with rifles and shotguns, Officer Rodriguez holstered his pistol and acquired a beanbag shotgun from an arriving officer.
- Officers Green, Fonseca, Palacios, Ibarra and Sherock stated that upon arriving they heard a gunshot. Officers Fonseca and Ibarra unholstered their pistols, while Officers Green and Palacios retrieved their patrol rifles from the trunk of their respective police vehicles. Officer Sherock retrieved his personally owned, Department-approved, shotgun from the rack inside of his police vehicle.³⁹
- Officer Brooks arrived approximately three minutes after Officer Zendejas fired his pistol. Officer Brooks stated that while responding to the help call, he learned that there were two more outstanding suspects who were armed with a shotgun and a pistol. While en route and seated in the right front seat, Officer Brooks

³⁹ Officer Fonseca holstered and unholstered multiple time during this incident, including when she moved a vehicle, donned gloves, handcuffed Torres and conducted a search of 13101 Ottoman Street.

retrieved a shotgun from the rack, held it with the muzzle down between his legs, and chambered a round (Investigators' Note No. 1).

Officers Green, Fonseca, Palacios, Sherock, Rodriguez, Ibarra, Zendejas and Brooks assembled to form an arrest team at the northwest corner of the alley. Simultaneously, other officers deployed to the front of 13141 Ottoman Street and joined Officers Hernandez and Herrera.⁴⁰

Utilizing their respective weapon systems, Officers Green, Palacios and Sherock covered Torres, who was lying in a supine position in the alley, with the handgun near his left side. Several officers can be heard on BWV ordering Torres to not reach for the gun. Officer Green stood on a raised planter, while utilizing a wooden fence as cover. This position provided him a view into the Urquiza's backyard.

Sergeant Kiefer stated that while en route to the call, he heard the broadcasts made by the air unit and began preplanning prior to his arrival. Sergeant Kiefer was aware that Torres was down in the alley and that two potential suspects were in an adjacent yard with weapons.

At 1635:56 hours, Sergeant Kiefer arrived and joined the officers on the north side of the alley to assess the tactical situation. Sergeant Kiefer observed Torres lying in the alley, with his handgun next to him and heard officers tell him not to reach for the gun. Sergeant Kiefer stated he told the officers to maintain their positions and attempted to de-escalate the situation by purposefully displaying a calm demeanor. At 1636:10 hours, Torres raised his head and reached across his body in the direction of the handgun. The officers continued to order Torres to not reach for the gun. Simultaneously, Sergeant Kiefer designated Officer Ibarra as the sole officer to give commands to Torres.

Note: The following video clip was obtained from Sergeant Kiefer's BWV and depicts the actions he took during the first three and a half minutes upon his arrival.⁴¹

At 1637:02 hours, Sergeant Vega arrived and contacted Sergeant Kiefer. Sergeant Kiefer directed him to go to the front of 13141 Ottoman Street and coordinate taking Raul Sr. and Jr. into custody. According to Sergeant Kiefer, he wanted the potential suspects in the backyard taken into custody before approaching Torres, because he knew they had the ability to arm themselves.

⁴⁰ Officer Ibarra did not ultimately become part of an arrest team.

⁴¹ Consistent with standard practice, the OIG has removed the hyperlinks from this report as they would be inaccessible. The hyperlinks remain accessible in the FID report on this incident.

Note: Between 1635 and 1637 hours, Monica Urquiza and all four children exited the residence. They were directed to safety by Detective Rodriguez and Officers Hernandez, Herrera, Moya and Stevens.

At 1637:51 hours, TFO Gomez broadcast a request for a Rescue Ambulance (RA) to respond and later directed CD to have them stage north of Branford Street and Arleta Avenue. Sergeant Kiefer advised TFO Gomez of his plan to hold the arrest team at the mouth of the alley until the suspects were taken into custody and a ballistic shield arrived for their approach.

At 1639:44, Sergeant Kiefer advised CD that he was Code Six with the officers at the alley.⁴² He advised the officers that they would move up to take Torres into custody once the suspects in the adjoining yard [Raul Sr. and Jr.] were detained. In preparation for that task, Sergeant Kiefer assigned roles to the officers, including “point”, “shield”, “less-lethal” and “arrest”.

At 1640 hours, the Los Angeles Fire Department (LAFD) was notified of the RA request. Rescue Ambulance 7, staffed by Firefighter Paramedics (FFPM) Matthew Evison and Scott Bernard, and Engine 7, staffed by Captain Florin Sarbu, Engineer Lawrence Lee, FFPM Shane Nelson and Firefighter (FF) Steven Stotelmyre responded to the area of Arleta Avenue and Branford Street.

At 1640:48 hours, Sergeant Vega asked the air unit to direct Raul Sr. and Jr. out of the residence with the air unit's Public Address system. At 1640:57 hours, TFO Gomez directed Raul Sr. and Jr. to exit the front of the residence with their hands up. Detective Rodriguez and Sergeant Vega supervised the officers on the south side of the residence, including Officers Herrera and Hernandez, while Raul Sr. and Jr. were detained without incident. The men were searched and brought to a safe area south of the location.⁴³

Note: Officer Herrera, who had remained unholstered up to this point, holstered his pistol prior to handcuffing Raul Jr.

At 1642:31 hours, Officer Green advised that it had been two minutes since Torres had moved.

⁴² At approximately 1635 hours, Sergeant Kiefer arrived at scene, but did not immediately place himself Code Six. He explained that while en route, the frequency was busy with pertinent information that he needed to assess to aid in his planning and decision making. Sergeant Kiefer indicated that immediately upon his arrival, he began handling the tactical situation. At approximately 1639 hours, he broadcast that he was Code Six when there was a break in the frequency. At 1658 hours, Mission Patrol Division Watch Commander Sergeant II Kirk Kahoe, Serial No. 33820, arrived and declared himself the Incident Commander.

⁴³ Raul Sr. and Jr. were released from custody when officers learned they were victims and not involved in any criminal activity. The shotgun and 9mm pistol were legally owned and registered to Raul Sr.

At 1643:35 hours, Sergeant Kiefer received confirmation that Raul Sr. and Jr. were taken into custody. Tactical Flight Officer Gomez advised that he could see the shotgun and that nobody else was in the yard or believed to be inside of the residence. Prior to approaching Torres, Officer Green told the team that they could roll Torres away from the gun, to facilitate handcuffing. Sergeant Kiefer concurred and advised the team to leave the gun in place and focus on taking Torres into custody.

At 1644:11 hours, Sergeant Kiefer directed the team to move forward. Officer Brooks, who had unholstered his pistol, was in front with the ballistic shield deployed.⁴⁴ Officer Green was positioned to the left side of the shield with his patrol rifle. Officers Palacios and Sherock were positioned to the right of the shield and were equipped with a patrol rifle and shotgun respectively. Officers Zendejas and Fonseca had donned protective gloves and followed behind as an arrest team. Officer Rodriguez was in the rear and equipped with a beanbag shotgun. As the team reached Torres, Officer Green called the arresting officers to the front to handcuff Torres.⁴⁵ Officers Brooks and Sherock moved a few steps east, past Torres, and continued providing cover, while facing east in the alley. During this time Officer Brooks holstered his pistol to support the shield, while Officer Sherock continued to provide cover with a shotgun.^{46 47}

Officers Zendejas and Fonseca holstered their firearms prior to making contact with Torres, who was still lying motionless in a supine position. While the other officers provided cover, Officers Zendejas and Fonseca rolled Torres onto his stomach, placed his hands behind his back, and handcuffed him. Officers Zendejas and Fonseca searched Torres, but no additional weapons were located. Torres was then positioned on his right side to facilitate helping him to breath.

At 1647:28 hours, Officer Green broadcast that it was safe for the LAFD to enter the alley. At 1652 hours, FFPMs Evison and Bernard approached Torres to assess his injuries and determined he had sustained a penetrating wound to his chest. Additionally, they found that Torres was pulseless, not breathing and his pupils were fixed and dilated. After completing their assessment, FFPM Bernard determined Torres to be deceased at 1655 hours.

At 1648 hours, Sergeant Vega supervised a team of officers as they cleared the Urquiza's residence at 13141 Ottoman Street. The team included Officers Simental, Serrato, Brandenburg, Miller, Griffin, Moya, and Kruse. They cleared the residence and

⁴⁴ Officer Tsai took possession of Officer Brooks' shotgun prior to him receiving the shield and unholstering his pistol.

⁴⁵ Officers Zendejas and Fonseca briefly holstered their pistols before donning protective gloves. They unholstered again before approaching Torres with the rest of the team.

⁴⁶ Officer Brooks unholstered and holstered one additional time while changing positions in the alley. Officer Sherock kept his shotgun deployed until he was relieved of his assignment.

⁴⁷ Officers Green and Palacios' rifles remained deployed until they later completed a search of 13101 Ottoman Street.

located the shotgun and handgun in the rear yard. Sergeant Vega directed officers to standby the firearms until the arrival of FID.

Note: Officer Hernandez remained unholstered behind the cover of a police vehicle in front of 13141 Ottoman Street. He holstered his pistol once the residence was cleared.

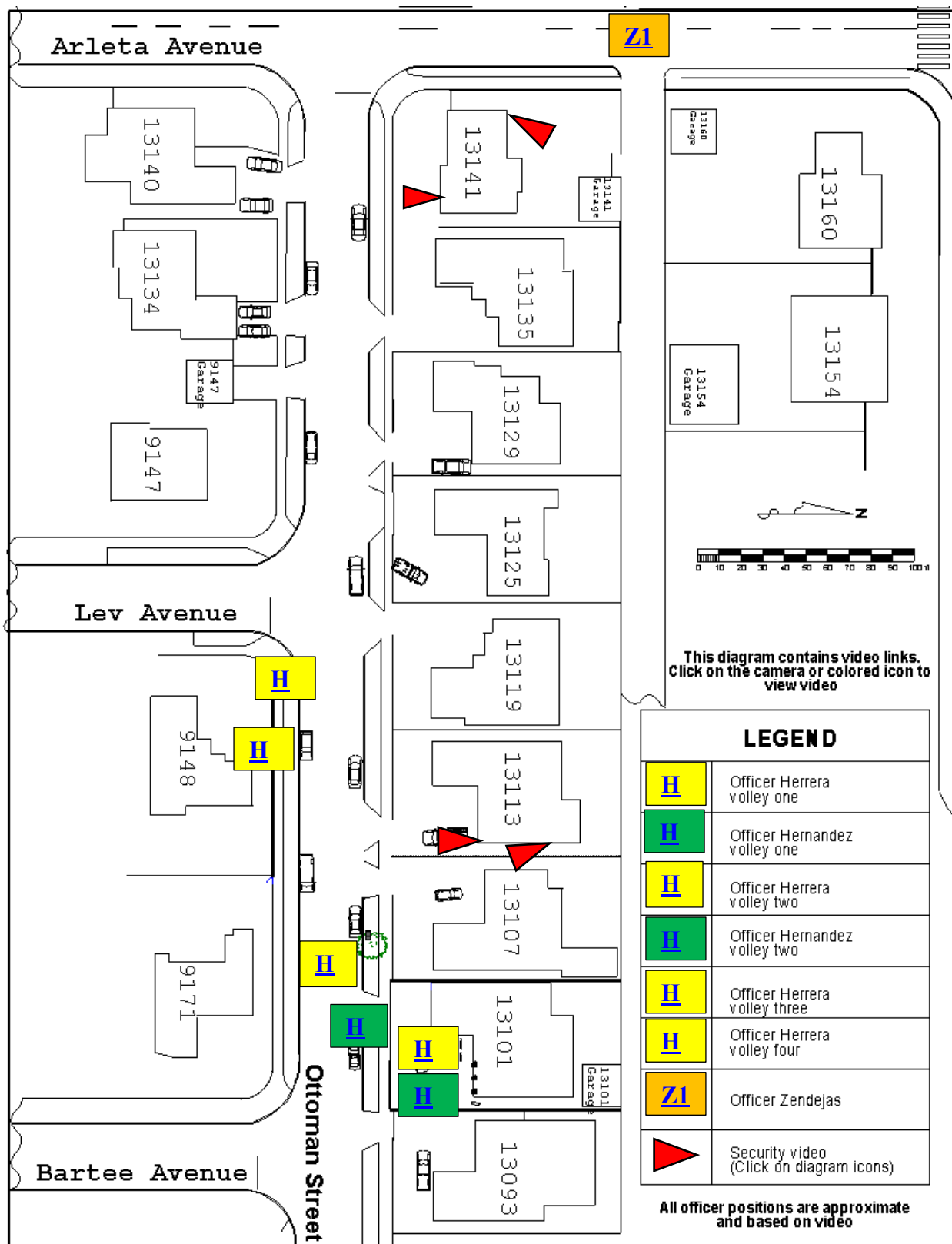
At 1720 hours, Sergeant Kiefer supervised a team of officers as they cleared the Torres' residence at 13101 Ottoman Street. The team included Officers Green, Fonseca, Organista, Piche, Gonzalez, Peraza, Ibarra, and Palacios. No additional suspects or victims were located.

At 1710 hours, Mission Area Sergeant I David Parker, Serial No. 37112, notified the Department Operations Center (DOC) of the OIS.

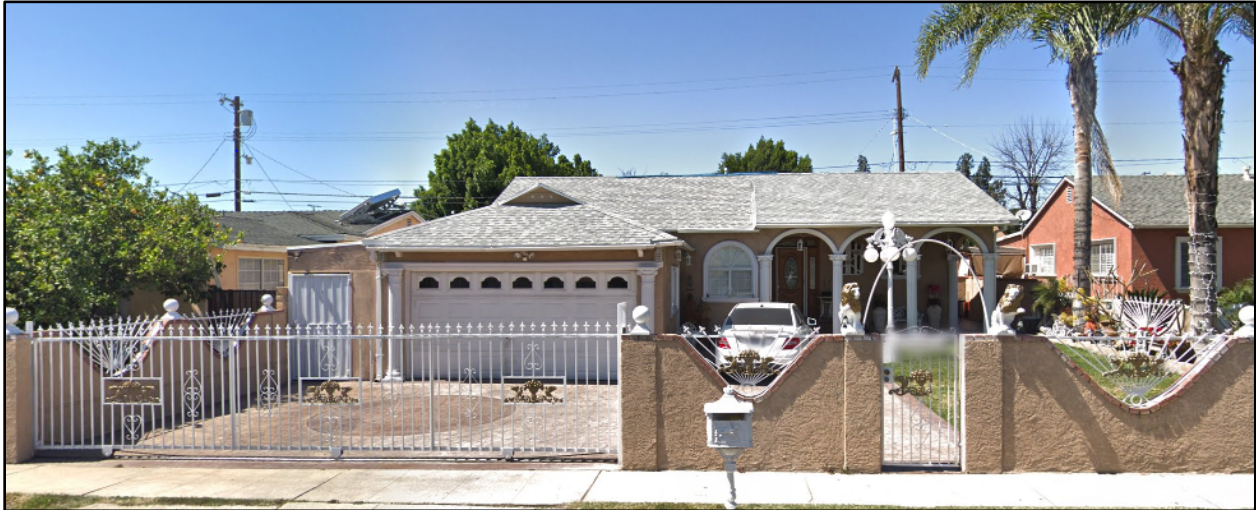
Force Investigation Division Detective II Sean Foote, Serial No. 36979, reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 1) (Investigators' Note No. 2).

[...]

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Scene Description



[The front of 13101 Ottoman Street]

13101 Ottoman Street

The initial OIS occurred near the front door of 13101 Ottoman Street, in the City of Los Angeles. The single-story residence was located within a gated courtyard that measured approximately 60 feet wide and 40 feet deep. A pedestrian gate measuring approximately 4 ½ feet tall and 3 feet wide provided access to the courtyard from the north sidewalk of Ottoman Street. A walkway led north from the pedestrian gate to a small set of steps near the front door. The door was made of wood and decorative glass. The front roofline, which was supported by five pillars approximately 7 ½ feet tall and 1 foot wide, extended over the front entrance, creating a covered porch area.

The driveway of the residence was enclosed within the southwest portion of the courtyard and measured approximately 25 feet wide and 19 feet long. A closed and locked wrought iron vehicle gate, measuring approximately 4 feet, 10 inches tall and 24 feet wide, ran parallel to the north sidewalk of Ottoman Street. The remainder of the courtyard was enclosed by walls constructed of stucco, brick and wrought iron that measured approximately 4 feet, 7 inches tall.

13100 Block of Ottoman Street

The 13100 block of Ottoman Street is an east/west roadway with a single lane of traffic in each direction and vehicle parking along the north and south curbs. This section of Ottoman Street is residential, consisting of single-story homes. Ottoman Street measured approximately 30 feet wide, with concrete sidewalks on the north and south sides of the street that measured approximately 4 feet wide. The 13100 block of Ottoman Street is bordered by Arleta Avenue to the west. Lev Avenue, a north/south roadway, joins Ottoman Street at a T-intersection, south of 13101 Ottoman Street.



[East/West Alley]

East/West Alley

The final OIS occurred at the mouth of the east/west alley located north of Ottoman Street and east of Arleta Avenue. The alley measured 20 feet wide. A raised planter bed 1½ feet tall and 2½ feet deep was located at the northwest portion of the alley. The rear yard of 13141 Ottoman Street backed up to the south side of the alley. The rear of the property was comprised of a block wall, a vehicle gate and a garage. The vehicle gate and block wall were 5 feet tall and collectively measured approximately 53 feet wide.

Canvass for Witnesses

On August 19, 2019, and September 19, 2019, FID investigators canvassed the area of Ottoman Street and Arleta Avenue for witnesses to the OIS. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained within this report. There were an additional 15 individuals who only heard shots. The number of gunshots heard by these witnesses ranged from 1 to 30. Copies of their Heard Only forms were retained in the FID casebook.

During the interview of Witness George Reijar, he mentioned a neighbor of his named Juan Barraza observed Torres shoot at a police officer during the incident. When contacted by FID investigators, Barraza refused to participate in a recorded interview. In the 911 call he made to CD, he reported that while outside the door to his residence, located at 13125 Ottoman Street, he heard 10-12 gunshots. He then observed a male

Hispanic with a gun running west toward Arleta Avenue, while somebody was shooting back at him.

Suspect Information



Carlos Torres Junior was a male Hispanic with a shaved head and brown eyes. Torres' date of birth was January 29, 1980. At the time of the incident, he was 5 feet, 10 inches tall and weighed 153 pounds. Torres' CII No. A24213063, indicated he was convicted of Assault with a Deadly Weapon in 1999, Possession of a Controlled Substance in 2014, and Reckless Driving in 2015. He was a documented member of the Humphrey Boys criminal street gang with the moniker "Temper." He had no prior Mental Evaluation Unit contacts (Addendum No. 2).

Force Investigation Division Detective II Timo Illig, Serial No. 36893, completed Investigative Reports (IR's) for Attempted Murder of a Police Officer, and Attempted Murder listing Carlos Torres Jr. as the suspect and Officers Adiel Herrera (DR No. 1919-15379), Raul Hernandez (DR No. 1919-15380), Miguel Zendejas (DR No. 1919-15382), and Jose Organista (DR No. 1919-15383), and Carlos Torres (DR No. 191915381) as the victims respectively (Addendum No. 3).

Detective Foote, Serial No 36979, completed an IR for Attempted Murder, listing Torres as the suspect and Apolonia Rivera as the victim (DR No. 1919-17014) (Addendum No. 4).

Detective Foote completed an IR for Burglary, listing Torres as the suspect and Raul Urquiza Sr. as the victim (DR No. 1919-17467) (Addendum No. 5).

Injuries

At 1652 hours, FFPMs Evison and Bernard began a life status assessment on Torres and determined that he sustained a penetrating wound to his chest. Additionally, they found that Torres was pulseless, not breathing and his pupils were fixed and dilated. After completing their assessment, FFPM Bernard determined Torres to be deceased at 1655 hours.⁴⁸

⁴⁸ At 1654 hours on Officer Fonseca's BWV, a bag can be seen emerging from the center pocket of Torres' sweatshirt while he was being examined by LAFD. To prevent its loss, Officer Fonseca retrieved the bag. She observed that it contained an off-white substance resembling methamphetamine. Once LAFD completed their examination of Torres, Officer Fonseca placed the bag on the ground next to Torres. The bag and contents were ultimately collected at the scene and later booked by Los Angeles County Coroner Investigator Lydia Granado-Mata.

Evidence

Forensic Science Division (FSD) Firearms Analysis Unit (FAU) Supervising Criminalist Rafael Garcia, Serial No. G9120, Criminalist II Brian Reinartz, Serial No. N5624, Criminalists I Tracy Ng, Serial No. N4952, Maria Gonzalez, Serial No. N6268, and Chelsea Hunter, Serial No. N6279, responded and conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles.

As a result of their examination, numerous items of evidence were recovered. Included in those items were a .22 caliber, Ruger, Model MKII, semiautomatic, blue steel pistol, with a 5-inch barrel (Item No. 1), pistol magazine (Item No. 4), a discharged .22 caliber cartridge case (Item No. 8), an expended bullet (Item No. 42), and 10 live .22 LR cartridges (Item No. 7). There was a total of 85 items of evidence booked in conjunction with this investigation (Addendum No. 6) (Addendum No. 7).⁴⁹

OIG Note No. 6: *There was no evidence of an impact associated with the bullet fired from Torres's pistol. The bullet was recovered on the patio/walkway at the base of the steps near the front of Torres's residence (Addendum No. 7). The bullet appeared to have a brass jacket and did not have any damage consistent with an impact (Item No. 42, evidence marker No. 22). Based on the fact that the bullet's casing did not properly eject from Torres's pistol, FAU opined that the round may have been defective.*⁵⁰

On February 18, 2020, Detective Foote responded to the Los Angeles County Coroner's Property Section (LACCPS) and took custody of a plastic baggie recovered from Torres' sweatshirt and booked it as evidence (Item No. 83).

On February 28, 2020, FSD Criminalist II Milena Srbova, Serial No. N2835, tested the item and determined the contents contained methamphetamine (Addendum No. 8).

Coroner's Investigation

Coroner's Response:

On August 20, 2019, at approximately 0222 hours, Los Angeles County Department of Medical Examiner-Coroner Investigator Lydia Granado-Mata arrived at the scene and obtained gunshot residue (GSR) samples from Torres' hands. Additionally, Investigator Granado-Mata collected the crystallized substance (later determined to be methamphetamine) and a glass pipe at scene. Investigator Granado-Mata booked the above listed items at the LACCPS.

⁴⁹ As part of this investigation, two "air soft" guns, Item Nos. 2 and 3, were recovered from 13101 Ottoman Street. The investigation determined they were not involved in this incident.

⁵⁰ This information was provided to the OIG in a telephone conversation on 6/18/2020 with FID Detective Foote, who had been advised of the opinion regarding Torres's bullet by FAU.

On August 20, 2019, at approximately 0335 hours, Los Angeles County Forensic Science Center (LACFSC) Attendant Laurentiu Bigu, transported Torres' remains to the LACFSC in preparation for the post-mortem examination.

Autopsy:

On August 22, 2019, Los Angeles County Department of Medical Examiner-Coroner Deputy Medical Examiner Doctor Ajay Panchal performed a post-mortem examination of Torres' remains. Detective Illig and FID Detective II Douglas Johnson, Serial No. 37738, and Los Angeles County District Attorney Investigator Wendie Contreras, were present during the examination. Doctor Panchal concluded Torres' death was caused by a gunshot wound to the chest. Doctor Panchal obtained specimens from Torres for toxicological analysis. Doctor Panchal determined that Torres sustained three gunshot wounds. The wounds were arbitrarily numbered.

Gunshot Wound No. 1 entered Torres' left arm. The bullet had a trajectory from left to right and upward. A fragmented copper-jacketed projectile was recovered from his left arm. There was no exit wound. This gunshot wound was not immediately life-threatening.

Gunshot Wound No. 2 entered and exited Torres' left arm. The bullet had a trajectory from back to front. This gunshot wound was not immediately life-threatening.

Gunshot Wound No. 3 entered Torres' right chest. The bullet had a trajectory from right to left and front to back. There was no exit wound. A copper-jacketed projectile was recovered from Torres' back. This wound was deemed life-threatening.

Doctor Panchal also noted that Torres had a graze gunshot wound to his left arm. There was no soot or stippling noted on any of the wounds. The recovered projectile and copper-jacketed fragment were booked into evidence at LACFSC. Doctor Panchal's findings were documented in Autopsy Report No. 2019-06281 (Addendum No. 9) (Addendum No. 10).⁵¹

Toxicology:

On September 27, 2019, a Laboratory Analysis Summary Report was approved by Los Angeles County Department of Medical Examiner-Coroner Senior Criminalist Sarah Buxton de Quintana. The analysis results documented that Torres had marijuana and methamphetamine in his blood at the time of his death (Addendum No. 11).

Gunshot Residue:

On February 20, 2020, Senior Coroner Criminalist Samantha Ingalls concluded the analysis of the GSR kit. The analysis revealed that particles commonly associated with GSR were found on Torres' left and right hands. Additionally, particles characteristic of and consistent with GSR were found on Torres' left hand. Criminalist Ingalls concluded that the finding of characteristic particles indicates that Torres may have discharged a

⁵¹ The LAFD Prehospital Care Report Summary noted death was determined at 1655 hours. The Autopsy Report listed 1656 hours as the time of Torres' death.

firearm, been in the vicinity of the discharge of a firearm, or touched a surface with gunshot residue on it (Addendum No. 12).

Clothing Analysis

Based on the distance between the officers and Torres at the time of the OIS, a distance determination was not requested as part of this investigation.

Weapons



Torres was armed with a .22 caliber, Ruger, Model MKII, semiautomatic blue steel pistol, with a 5-inch barrel. On February 21, 2020, Criminalist Reinarz finalized a Render Firearm Safe report documenting the collection of Torres' pistol. Criminalist Reinarz determined the pistol's magazine was fully inserted and the safety was off. One discharged cartridge case was removed from the chamber of the pistol and 10 live cartridges were removed from the magazine (Addendum No. 13).

The firearm was not registered in the State of California or reported stolen. The Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives Trace Center conducted a trace on the above pistol. The summary of the results determined the weapon was last purchased on January 31, 1986, in Safford Arizona, by Manuel Villa Heredia (now deceased) (Addendum No. 14).

Officer Herrera was armed with his Department-issued, Smith & Wesson, Model M&P 9, 9mm semiautomatic pistol. According to Herrera, at the time of the OIS, his pistol was loaded to capacity with 18 rounds of ammunition. One round was in the chamber and 17 rounds were in the magazine. Officer Herrera possessed two additional magazines each loaded to capacity with 17 rounds of ammunition. The pistol was carried in a Department-approved retention holster.

On August 20, 2019, at approximately 0125 hours, FID Detective III Timothy Grabe, Serial No. 32649, conducted a post-incident examination of Officer Herrera's pistol. He determined the pistol was loaded with nine rounds of Department-approved, Speer G2, 9mm ammunition. One round was in the chamber and eight rounds were in the magazine. During the OIS, Officer Herrera conducted a speed reload. The ejected magazine was recovered from Ottoman Street, east of Lev Avenue by FSD and it did not contain any rounds. Officer Herrera's third magazine remained on his belt and contained 17 rounds of the same Department-approved ammunition. Twenty-six discharged cartridge cases were recovered adjacent to Officer Herrera's firing positions.

This information was consistent with Officer Herrera having fired 26 rounds during the OIS.

On September 16, 2019, Criminalist II Jacob Seror, Serial No. N4571, finalized a report documenting the test-firing of Officer Herrera's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range (Addendum No. 15).

Officer Herrera's pistol was entered into the Firearm Inventory Tracking System (FITS) on July 16, 2015.

Officer Hernandez was armed with his Department-issued, Smith & Wesson, Model M&P 9, 9mm semiautomatic pistol. According to Hernandez, at the time of the OIS, his pistol was loaded to capacity with 18 rounds of ammunition. One round was in the chamber and 17 rounds were in the magazine. Officer Hernandez possessed two additional magazines each loaded to capacity with 17 rounds of ammunition. The pistol was carried in a Department-approved retention holster.

On August 20, 2019, at approximately 0150 hours, Detective Grabe, conducted a post-incident examination of Officer Hernandez' pistol. He determined the pistol was loaded with 18 rounds of Department-approved, Speer G2, 9mm ammunition. One round was in the chamber and 17 rounds were in the magazine. During the OIS, Officer Hernandez conducted a tactical reload. The magazine that he retained in his left pocket contained 10 rounds of ammunition. Officer Hernandez' third magazine remained on his belt and contained 17 rounds of the same Department-approved ammunition. Seven discharged cartridge cases were recovered adjacent to Officer Hernandez' firing positions. This information was consistent with Officer Hernandez having fired seven rounds during the OIS.

On September 27, 2019, Criminalist III Kathleen Hafeli, Serial No. N4216, finalized a report documenting the test-firing of Officer Hernandez' pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range (Addendum No. 16).

Officer Hernandez' pistol was entered into FITS on January 04, 2018.

Officer Zendejas was armed with his Department-issued, Glock, Model 17, 9mm semiautomatic pistol. According to Officer Zendejas, at the time of the OIS, his pistol was loaded to capacity with 18 rounds of ammunition. One round was in the chamber and 17 rounds were in the magazine. Officer Zendejas possessed two additional magazines each loaded to capacity with 17 rounds of ammunition. The pistol was carried in a Department-approved retention holster.

On August 20, 2019, at approximately 0210 hours, Detective Grabe conducted a post-incident examination of Officer Zendejas' pistol. He determined the pistol was loaded with 17 rounds of Department-approved, Speer G2, 9mm ammunition. One round was in the chamber and 16 rounds were in the magazine. Officer Zendejas possessed two

additional magazines that were loaded to capacity with the same Department-approved ammunition. One discharged cartridge case was recovered adjacent to Officer Zendejas' firing position. This information was consistent with Officer Zendejas having fired one round during the OIS.

On October 24, 2019, Firearms Examiner Srinivasan Rathinam, Serial No. N3851, finalized a report documenting the test-firing of Officer Zendejas' pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range (Addendum No. 17).

Officer Zendejas' pistol was entered into FITS on December 05, 2011.

Firearms Analysis

On January 31, 2019, Criminalist Reinarz finalized a Bullet/Cartridge Case Comparison Report. Criminalist Reinarz test fired Torres' pistol using laboratory ammunition and three of the 10 cartridges (Item No. 7) that were found in the pistol's magazine, and concluded the firearm was functional. Additionally, Criminalist Reinarz concluded that the discharged cartridge case recovered from Torres' pistol (Item No. 8), and the fired bullet recovered from the porch area of 13101 Ottoman Street (Item No. 42), were fired in Torres' pistol (Item No. 1).

Forensic Science Division criminalists recovered 34 additional discharged cartridge cases from the OIS scenes. Eleven discharged cartridge cases were recovered from the courtyard of 13101 Ottoman Street. Seven of those discharged cartridge cases (Item Nos. 14-17, 18a, 18b, and 19), were determined to have been fired in Officer Herrera's pistol. Four of the expended cartridge cases (Item Nos. 10-13), were determined to have been fired in Officer Hernandez' pistol.

The investigation determined that the remaining 23 discharged cartridge cases were fired while the officers were in distinctly separate locations from each other as shown on their BWV. An analysis of those cartridge cases was therefore not requested.

Three discharged cartridge cases (Item Nos. 20-22) were recovered from the north sidewalk of Ottoman Street, in front of 13101 Ottoman Street. This was consistent with the location where Officer Hernandez fired his second volley.

Eleven discharged cartridge cases (Item Nos. 23-33) were recovered from Ottoman Street in front of 13101 Ottoman Street. This was consistent with the location where Officer Herrera fired his second volley.

Eight discharged cartridge cases (Item Nos. 34-41) were recovered from the grass area adjacent to the south sidewalk of Ottoman Street near 9148 Lev Avenue. This was consistent with the location where Officer Herrera fired his third and fourth volleys.

One discharged cartridge case (Item No. 9) was recovered from Arleta Avenue near the west end of the alley between Ottoman Street and Branford Street. This was consistent with the location where Officer Zendejas fired.

Criminalist Reinarz concluded that two bullet fragments (Item Nos. 69A1 and 69A2), that were recovered from Torres' left arm, were fired in Herrera's pistol. Additionally, a fired bullet that was recovered from Torres' back (Item No. 69B) exhibited the general rifling characteristics consistent with Officer Zendejas' pistol; however due to the pistol possessing polygonal rifling, it was not microscopically compared, per FAU policy (Addendum No. 18).

On September 27, 2019, Technical Investigation Division (TID) Forensic Print Specialist III Edgar Berrios, Serial No. N1917, completed a report documenting the analysis of Torres' pistol, pistol magazine, a discharged cartridge case, and the 10 live cartridges that were located within the pistol. No latent prints were developed (Addendum No. 19).

On March 23, 2020, Criminalist Reinarz finalized an Evidence-DNA Collection Report documenting the swabbing of Torres' pistol, magazine, live cartridges, and discharged cartridge case, for DNA. Due to multiple videos depicting Torres possessing the pistol, no further analysis was requested (Addendum No. 20).

On March 23, 2020, Criminalist Reinarz, completed a Bullet Path Analysis report. The identified pathways are listed below from east to west.

13101 Ottoman Street

Nine bullet pathways were identified on the south facing exterior of 13101 Ottoman Street. Eight of the pathways were consistent with bullets traveling from south to north and east to west (Pathway A-H). One pathway was consistent with a bullet traveling from south to north (Pathway N), with no further directionality being determined. Additionally, two bullet pathways were identified on a white column located in the courtyard of 13101 Ottoman Street, south of the front door (Pathways I and K). The pathways were consistent with bullets traveling from south to north, east to west, and upward.

Note: These 11 pathways were consistent with Officers Hernandez and Herrera's positions during their first volleys.

Tree in front of 13107 Ottoman Street

One bullet pathway was identified on a tree in front of 13107 Ottoman Street. The directionality of the pathway could not be determined due to the condition of the impacts (Pathway Z).

Note: This pathway is consistent with Officer Hernandez' position during his second volley of fire.

13113 Ottoman Street

Three bullet pathways were identified on the exterior of 13113 Ottoman Street. The pathways were consistent with bullets traveling from south to north and east to west (Pathways T-V).

Note: These pathways were consistent with Officer Herrera's position during his second volley of fire.

Nissan Frontier, CA License Plate No. 17378J1, parked in front of 13113 Ottoman Street

Two bullet pathways were identified on the gray Nissan Frontier parked facing west on the north side of Ottoman Street. One pathway was located on the driver's side mirror, consistent with a bullet traveling from east to west and south to north (Pathway O). The other pathway was located on the left front wheel well, consistent with a bullet traveling from east to west, south to north and downward (Pathway P).

Note: These pathways were consistent with Officer Herrera's position during his second volley of fire.

Chevrolet Suburban, CA License Plate No. 8GGT515, parked in front of 13125 Ottoman Street

One bullet pathway was identified on the gray Chevrolet Suburban parked facing west on the north side of Ottoman Street, consistent with a bullet traveling from east to west, south to north and downward (Pathway Q).

Note: This pathway is consistent with Officer Herrera's position during his second volley of fire.

13129 Ottoman Street

One bullet pathway was identified on a wrought iron fence in front of 13129 Ottoman Street, consistent with a bullet traveling from south to north and east to west (Pathway W).

Note: This pathway is consistent with Officer Herrera's position during his third volley of fire.

13135 Ottoman Street

Two bullet pathways were observed on the exterior garage door of 13135 Ottoman Street. The pathways were consistent with bullets traveling from south to north and east to west (Pathways X and Y).

Note: These pathways were consistent with Officer Herrera's position during his third volley of fire.

Dodge Charger, CA License Plate No. 5XIP359, parked in front of 13135 Ottoman Street

One bullet pathway was identified on the black Dodge Charger parked facing west on the north side of Ottoman Street, consistent with a bullet traveling from east to west (Pathway R).

Note: This pathway was consistent with Officers Hernandez and Herrera's positions during their second volleys of fire.

13189 Ottoman Street

One bullet pathway was identified on the exterior garage door of 13189 Ottoman Street, consistent with a bullet traveling north to south and east to west (Pathway S).

Note: This pathway was consistent with Officers Hernandez and Herrera's positions during their second volleys of fire (Addendum No. 21).

Visual Documentation**Digital In-Car Video System (DICVS):**

There was no DICVS footage that captured the OIS's involving Officers Herrera, Hernandez, or Zendejas. The DICVS of the officers who arrived with and immediately after Officers Zendejas and Organista were reviewed. Officer Green and Fonseca's DICVS captured the taking of Torres into custody. Officer Moya's DICVS captured the Urquizas exiting from their residence. No other DICV was identified as relevant.

Body Worn Video (BWV):

The three officers involved in this incident were equipped with BWV cameras.

Officers Herrera and Hernandez activated their BWV cameras upon their arrival at scene. Their footage captured the OISs. Officer Zendejas activated his BWV while responding Code Three with Officer Organista to the area of Arleta Avenue and Ottoman Street. Officer Zendejas' footage captured his OIS and Torres being taken into custody. Officer Organista's BWV captured his response to the call and his actions immediately upon his arrival.

Sergeant Kiefer and Officers Green, Fonseca, Brooks, Rodriguez, Palacios, and Sherock's BWV footage captured their response, the formation into an arrest team, and taking of Torres into custody. Additionally, Sergeant Kiefer and Officers Green, Fonseca, Organista, Piche, Gonzalez, Ibarra, Peraza, and Palacios' BWV footage captured them clearing the residence at 13101 Ottoman Street.

Sergeant Vega and Officers Simental, Serrato, Brandenburg, Miller, Griffin, Moya, and Kruse's BWV footage captured them clearing the residence of 13141 Ottoman Street.

Approximately 73 additional BWVs were identified as being related to this incident. The videos captured activities related to their response, the establishment of a perimeter and the securing of the crime scene.

Social Media

Personnel assigned to the FID Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Other Department Video

No other Department video was located.

Outside Video

Force Investigation Division investigators located security video at 13141 Ottoman Street. One camera angle captured Torres running toward the front of the residence with a handgun in his right hand. An additional camera angle captured the residents ordering Torres out of their backyard at gunpoint. Torres can then be seen pointing his handgun west toward Arleta Avenue and then collapsing in the alley. The video was downloaded and vaulted at TID under Control No. 687663.

Force Investigation Division investigators located security video from 13113 Ottoman Street. One angle from this video system captured Torres moving south along the west side of 13107 Ottoman Street before jumping a fence and entering the driveway. On a different angle, Carlos can also be seen walking south on the same driveway before running ahead of Torres. The video was downloaded and vaulted at TID under Control No. 747531.

Photographs

On August 19, 2019, TID Photographer III Garry Brod, Serial No. N1328, photographed the scene and the officers' magazine count. The photographs are stored under Control No. 0769809.

On August 21, 2019, Photographer III Marie Sallaberry, Serial No. N3637, photographed additional impacts. The photographs are stored under Control No. 0770231.

On August 26, 2019, Photographer Sallaberry photographed impacts to foliage. The photographs are stored under Control No. 0770228.

[...]

Investigators' Notes

1. Regarding his decision to chamber a round into the shotgun while traveling to the help call, Officer Brooks stated, "*En route we continued to receive updated information regarding the incident. I knew that there was at least one suspect that had run from officers that had been shot at, and I was hearing reports of two more*

suspects -- one carrying a shotgun, one carrying a pistol in the area. When we started hearing that there was additional suspects still outstanding, I removed the shotgun my shotgun from the rack, held it muzzle down between my legs, and racked a round. I knew that a rapidly evolving situation, such as an officer-involved shooting and with suspects still outstanding with possible firearms, I knew that it could lead to deadly force or so I wanted to have my long gun available for that incident. And I didn't want to I didn't want to rack a round when I got out of the car, because I want -- when I got out of the car to be ready to engage any suspects.”⁵²

On March 5, 2020, Detective Foote contacted Sergeant II Barbara Riggs, the Officer-in-Charge of the Tactics Training Unit, Field Officers Training Section, In-Service Training Division, and inquired as to the Department policy, procedures and training regarding chambering a round in a shotgun while in a patrol vehicle.

According to Sergeant Riggs, there is no Department policy or procedure regarding chambering a round while in a vehicle.

2. Following their OIS, Officers Hernandez and Herrera remained in the area of Ottoman Street east of Arleta Avenue, while the tactical incident continued. At 1640 hours, Mission Patrol Division uniformed Sergeant I Edwina Hearn, Serial No. 30407, arrived at scene. At 1657 hours, Officer Stevens advised Sergeant Hearn that Officer Hernandez was involved in the OIS.

Note: Sergeant Hearn mistakenly identified an Officer Richardson as the person who advised her that Officer Hernandez was involved in the OIS. The investigation did not identify an Officer Richardson being present at scene.

Upon being advised that Officer Hernandez had been involved in the OIS, Sergeant Hearn immediately approached Sergeant Kahoe (who moments later declared himself the Incident Commander) and informed him of that information. Sergeant Hearn then directed Officer Cuellar, who was standing nearby, to stay with Officer Hernandez and to keep him calm. Sergeant Hearn then walked over to Sergeant Kiefer and advised him that a Mission Division officer was also involved in an OIS.

When interviewed by FID regarding this issue, Sergeant Hearn stated she sent Officer Cuellar to monitor Officer Hernandez, because there was a shortage of supervisors at scene. Her intent was to have Officer Cuellar wait with Officer Hernandez, until she had the opportunity to meet with him herself and obtain his PSS.

Officer Cuellar met with Officer Hernandez and identified that Officer Herrera had also been involved in the OIS. Officer Cuellar separated the officers and advised them independently that they were going to provide a PSS [to a supervisor]. Officer

⁵² Brooks, Page 8, Lines 2-19.

Cuellar did not discuss the incident with the officers and his interaction with them was captured on BWV.

At 1659 hours, Sergeant Hearn met with and took a PSS from Officer Hernandez. At 1702 hours, Sergeant Vega met with and took a PSS from Officer Herrera. Additionally, Sergeant Hearn obtained a PSS from Officer Zendejas. Upon providing their PSSs, the officers were monitored and ordered not to discuss the incident.

Note: Unless otherwise noted, the above information was gleaned from BWV.

Issues and Concerns

1. On August 17, 2019, at approximately 1704 hours, Carlos and Manuel Torres, contacted Communication Division (CD) and initiated a radio call. The comments of the call read: *PR standing at intersection, will direct to 13101 Ottoman Street, Suspect brother, male Hispanic, "Carlos Torres" 39 years, NFD, suspect threatened PR's parents, suspect known to carry a gun. Suspect under the influence of narcotics. Request police to keep the peace.*

Mission Patrol Division uniformed Police Officers II Richard Brubaker, Serial No. 38487, and Amanda Jansen, Serial No. 40820, Unit 19X12, and Sergeant I Robert Nakamura, Serial No. 31842, Unit 19L120, responded to meet Manuel and Carlos at Muscatine Street and Lev Avenue.

Carlos reported several potential criminal acts by Torres including: Assault with a Deadly Weapon, Vandalism, and Criminal Threats. The officers and Sergeant Nakamura did not ask follow-up questions regarding details of the potential crimes or attempt to arrest Torres. Ultimately, no Investigative Report was completed for this incident.

During this discussion, Sergeant Nakamura took over the call and focused on Torres being an ex-con with a gun. Despite Carlos' requests for LAPD to contact Torres, Sergeant Nakamura explained to Carlos that Torres likely would not comply with their request to exit his locked bedroom. He also indicated that [if his officers entered the residence], it might create a potentially dangerous situation for Torres if he appeared with a gun. Sergeant Nakamura decided not to approach the residence and suggested Carlos attempt to obtain a restraining order. No attempt was made to contact Torres. Sergeant Nakamura called the Mission Patrol Division Watch Commander and relayed that they did not have a signed crime report. Based on a review of Sergeant Nakamura and the officers' BWV, it appeared that Torres was desirous of prosecution but was never questioned about the potential crimes or requested to sign a crime report.

For reference, the following BWV times capture Carlos mentioning the various potential crimes.

- Officer Brubaker's BWV 00:18:49: Carlos stated Torres vandalized his residence, was not letting him in [the house] and threatened them [he and his wife]. Additionally, Carlos stated Torres was on drugs and was in possession of a gun that he had pointed at them a couple of times. Carlos also indicated Torres had thrown two televisions on to the front lawn and had abused his (Carlos') dogs.
- Officer Brubaker's BWV 00:46:26: Carlos stated he was scared to go into his residence, because Torres threatened them, pointed a gun at them and had a previous arrest for Attempted Murder.
- Officer Jansen's BWV 00:19:02: Carlos stated Torres carried a gun and pointed it at them.
- Officer Jansen's BWV 00:24:51: Manuel stated his parents went to their residence to pick up clothes for their mom and Torres started shouting and "getting in their face." Carlos then stated Torres was violent and pointed a gun at him a couple of times. Officer Jansen asked when that occurred and was advised, approximately one month prior.
- Sergeant Nakamura's BWV 00:46:21: Carlos stated that they were afraid to go back in their house, because Torres has used it [the gun] on them and pointed it at them. Additionally, Carlos advised that Torres had been arrested for Attempted Murder and was under the influence.
- Sergeant Nakamura's BWV 00:49:20: Carlos advised that his neighbor contacted him and reported that Torres had thrown their TVs in the yard.

OIG Note No. 7: A personnel complaint against the sergeant and officers involved in the 8/17/2019 radio call was initiated by Internal Affairs Group (CF No. 19-003211) .

2. When Ariel Torres came to the front desk to report the illegal lockout, Officer McDermott did not activate her BWV to record the contact. On October 17, 2019, FID Commander Robert Marino, Serial No. 27226, notified Office of Operations Assistant Chief Robert Arcos, Serial No. 26185, regarding the above issues and concerns.
3. Force Investigation Division investigators identified the BWVs of 98 officers as being related to this incident. The BWVs of the 31 officers mentioned in this administrative summary were reviewed in detail.

The BWVs of the remaining 67 officers were checked and determined not to have captured the officer-involved shootings or have any other relevant value. These BWVs have been tagged in Evidence.com under Incident No. 190819004186 and remain available for review.

The BWVs of the officers mentioned in the administrative summary were additionally reviewed for compliance with the Office of Constitutional Policing and Policy Notice entitled, Powering Off Body-Worn Camera Devices While in Department Facilities, dated December 20, 2018, as well as compliance with Special Order No. 12, dated April 28, 2015, (Body Worn Video Procedures – Established). The videos listed in the table on the next page may be out of compliance for the reason indicated. On April 9, 2020, FID Commander Timothy Nordquist, Serial No. 35492, notified Assistant Chief Arcos of these potential issues.

Officer	Less than 2-minute buffer	Delayed Activation
Police Officer III Brandy Cuellar #38790	X	
Police Officer II John Fischer #32264		X
Police Officer II Jose Organista #39830		X
Police Officer II Brandon Tsai #42561	X	
Police Officer II Kyle Griffin #42066	X	
Police Officer II Kruse Brent #43293	X	
Police Officer I Simon Simental #43708	X	
Police Officer III Aaron Green #36890 BWV (1)		X
Police Officer III Aaron Green #36890 BWV (2)	X	
Police Officer III Aaron Green #36890 BWV (3)	X	
Police Officer II Deirdre Fonseca #41863 BWV (1)	X	
Police Officer II Deirdre Fonseca #41863 BWV (2)		X
Police Officer II Deirdre Fonseca #41863 BWV (3)		X
Police Officer II Mark Enrique #40804		X
Police Officer II Jorge Palacios #41775		X
Police Officer II Miguel Zendejas #40955		X
Police Officer II Jorge Palacios #41775 BWV (1)		X
Police Officer II Jorge Palacios #41775 BWV (3)		X
Police Officer II William Ibarra #40905		X
Police Officer III Michael Miller #36332		X
Sergeant I Edgar Vega #34248		X
Sergeant I Brandon Kiefer #37641 BWV (2)		X

CHIEF OF POLICE REPORT⁵³

Chief of Police Findings

Tactics – Administrative Disapproval, Officers Herrera and Hernandez. Tactical Debrief, Sergeant Kiefer, along with Officers Zendejas and Organista.

Drawing/Exhibiting – In Policy, No Further Action, Officers Herrera, Hernandez, Zendejas, and Organista.

Lethal Use of Force – In Policy, No Further Action, Hernandez, and Zendejas. In Policy, No Further Action, Officers Herrera (Rounds 1-16 and Rounds 19-25). Out of Policy, Administrative Disapproval, Officer Herrera (Rounds 17, 18, and 26).

Chief of Police Analysis

Detention

- Officers Herrera and Hernandez responded to a radio call of a family dispute at a residence. The officers approached the location and as they neared the front door they were met by Torres. While officers conversed with Torres, they discovered he was not the PR who generated the radio call. Officer Herrera contacted CD and requested for the PR to meet. Carlos arrived on scene where he met with and informed Officer Herrera that Torres was not allowing Carlos inside of Carlos' own residence; in addition, Carlos advised Officer Herrera that Torres was a convicted felon, was in possession of a handgun, and had threatened Carlos and his wife with the handgun. Officer Herrera determined a crime had occurred and planned to detain Torres. He gave Torres commands in an attempt to detain Torres. Torres became agitated and disregarded Officer Herrera's commands. Torres grabbed his waistband, retrieved a handgun, and fired at officers, which subsequently led to the officers becoming involved in an OIS. The officers' detention was within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

⁵³ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Herrera and Hernandez had previously discussed tactical situations, service pistol and back up pistol capabilities, identified their utilization of radio earpieces to enhance their tactical communication, and had identified roles of contact and cover and the possibility of interchanging these roles as a situation developed, on their prior shift together; however, they had not held a similar discussion on their current shift as they both believed they were each the cover officer for the incident. Their plan for this radio call was to contact Carlos, determine the circumstances that lead to the radio call from Carlos, and then create a tactical plan from the information received. However, Officers Herrera and Hernandez disregarded the comments of the radio call to contact Carlos upon arrival and instead proceeded directly to the location where Torres was located. In addition, as the incident progressed, and Officer Herrera became aware Torres was a convicted felon, in possession of a handgun, and had pointed it at Carlos, Officer Herrera planned to not request additional resources, and not draw his service pistol, and instead provided commands to Torres prior to informing Officer Hernandez of the very real risk and threat.

The UOFRB noted, Officers Herrera and Hernandez lack of a detailed plan lead to a cascading effect in the incident from start to finish. Once the incident rose to the level of a deadly force incident, Officers Herrera and Hernandez initially communicated with each other to redeploy and be vigilant that Torres may be attempting to gain a tactical advantage against them; however, as the situation proceeded and additional OIS occurrences took place, the officers became reactionary and did not communicate with each other or develop a specific plan on how to proceed. This incident would have benefitted from additional planning while

Officer Herrera and Hernandez were initially enroute, once they arrived on scene, and as it unfolded.

Officers Zendejas and Organista were academy classmates and had been partners for approximately five years. Officer Zendejas planned each day before starting their shifts, they discussed tactics including contact and cover and de-escalation.

Sergeant Kiefer had begun developing a plan as he was enroute to the request for additional personnel. Once he arrived, Sergeant Kiefer took control of the scene and directed officers to maintain their positions as he planned for the containment of the additional residence where additional possible suspects armed with a handgun and shotgun had been observed. As the additional suspects were detained, Sergeant Kiefer planned and organized an arrest team with designated roles and assignments to take Torres into custody.

Assessment – When Officers Herrera and Hernandez received the radio call, Officer Hernandez read the comments of the call to Officer Herrera. Officers made a plan to meet with Carlos prior to establishing a tactical plan, in doing so officers failed to assess the comments of the call which directed officers to contact Carlos who was not at the residence as they arrived. The officers instead responded to the residence, where they were met by Torres. Officers Herrera and Hernandez assessed that Torres was the suspect of the radio call and decided they needed to contact Carlos to determine the reason they had been called to the scene. When Carlos arrived on scene, Officer Herrera met with him and became aware of the threat Torres posed. Officer Herrera evaluated the information and believed that if he advised Officer Hernandez to leave Torres, he would risk Officer Hernandez exposing his back to Torres.

Officer Herrera decided because of the rapport officers had built with Torres to approach Officer Hernandez and Torres and attempt to gain Torres's compliance. As Officer Herrera joined his partner, followed by Carlos, he provided direction to Torres and soon after informed Officer Hernandez that Torres was in possession of a handgun. Officers maintained their positions and provided commands to Torres and while doing so Torres exposed, drew, and fired his handgun towards officers. Officers Herrera and Hernandez assessed their position and redeployed to areas of cover and concealment and continuously assessed their positions and further redeployed in order to set up containment on the residence while informing additional personnel of their needed assistance. The officers assessed after they discharged their service pistols during and after each volley. During the officer's volleys of fire, Officer Herrera observed his service pistol had gone to slide lock and was out of ammunition. In order to continue addressing the threat, Officer Herrera conducted an out-of-battery speed reload and continued to engage Torres. Officer Hernandez also assessed after his second volley and made the decision to deploy behind cover and conduct a tactical reload with a fully loaded magazine to better be prepared for Torres should the situation arise again for him to utilize deadly force upon Torres. When officers ultimately lost sight of Torres they held their position, gained cover, and attempted to establish further containment.

The UOFRB noted, and the Chief concurred, that Officer Herrera did not have sufficient situational awareness of the threat posed by Torres while he discharged Rounds 17, 18, and 26. During the discharging of those rounds, Officer Herrera would have greatly benefitted from either conducting an assessment or conducting a more effective assessment of the situation.

The UOFRB noted Officers Herrera and Hernandez failed to assess the comments of the radio call which lead to officers contacting Torres prior to meeting with Carlos, and in doing so eliminated their basic plan of meeting with the PR and developing a more detailed tactical plan from the information provided. Officer Herrera failed to assess the danger Torres placed on himself, Officer Hernandez, and Carlos when provided information that Torres was a convicted felon, was in possession of a handgun, and had pointed the handgun at Carlos and his wife.

As Officers Zendejas and Organista were enroute to the call, they assessed the radio broadcasts being transmitted by the air unit as well as Officer Hernandez and as they neared the location they slowed their police vehicle down and continued to process additional broadcast information which lead them to locate and identify Torres as they approached him in the alley. Officer Organista utilized the limited time to assess Torres' body position and attempted to position the police vehicle to be utilized as cover while Officer Zendejas observed Torres in possession of a handgun, which was being pointed at himself and his partner. Officer Zendejas accessed the situation and discharged one round from his service pistol to stop the threat. After Officer Zendejas discharged the round, he accessed and observed Torres drop the handgun and fall to the ground. Officers Zendejas and Organista then redeployed to access more ideal cover as they communicated with Torres.

When Sergeant Kiefer arrived, he assessed the scene and directed personnel to hold their positions as an ongoing tactical situation in an adjoining location needed to be addressed prior to approaching Torres and taking him into custody.

Time – Officers Herrera and Hernandez were afforded time while enroute to the radio call to create a tactical plan and designate roles which include contact and cover. Based on the comments of the call, the officers had decided to meet with Carlos prior to formulating a more detailed plan on how to proceed with the incident. However, officers disregarded their plan and proceeded directly to the residence and ultimately to Torres.

Once Officers Herrera and Hernandez initiated contact with Torres and established a rapport with him, Officer Herrera utilized time to contact CD and thereafter met with Carlos where he determined multiple crimes had taken place and identified the threat Torres placed on he and his partner. Officer Herrera was again afforded with time to request additional resources and await their response; however, Officer Herrera proceeded to attempt to gain Torres' compliance with just himself and his partner.

The UOFRB noted Officer Herrera and Hernandez were faced with no exigency in responding to the radio call and were afforded with time to develop a more specific tactical plan and assess the comments of the radio call. It was also noted that Officer Herrera had the time to request additional personnel to assist himself and Officer Hernandez when he was made aware of the threat Torres posed. Furthermore, when Officer Herrera informed Officer Hernandez that Torres had been in possession of a handgun officers continued to stand between the pillars connected to the residence which reduced the time they had to react by not utilizing distance and the cover available.

Sergeant Kiefer utilized his time enroute to the radio call to listen to radio broadcasts and plan for the incident. Upon his arrival, he maximized time to slow down, control the situation, identify and contain threats, and gather additional resources prior to making contact and detaining Torres.

Redeployment and/or Containment – As Officers Herrera and Hernandez observed Torres reach for, draw, point, and fire his handgun at officers, Officer Herrera redeployed back away from Torres while shooting his service pistol as Officer Hernandez redeployed behind a column attached to the residences' front porch as he fired his service pistol. When Torres closed the front door to the residence, Officer Herrera redeployed out of the front courtyard of the residence and onto the sidewalk as Officer Herrera redeployed in front of the residences' garage. Upon hearing Torres and believing Torres was attempting to obtain a tactical advantage on officers and get on the roof, Officer Hernandez redeployed and joined his partner in front of the residence in order to triangulate on the house and establish containment as they utilized the residences wall and parked vehicles for cover. As officers assessed the scene and requested additional resources, Torres emerged from a neighboring property and ran onto the street, removing the cover provided to Officer Herrera. Officers engaged in additional OIS occurrences and continuously redeployed to address Torres and communicate with the responding resources Torres location as they attempted to establish containment.

The UOFRB noted that Officer Herrera and Hernandez would have benefited from redeploying to cover and creating distance when they became aware Torres had been in possession of a firearm. The UOFRB also noted that Officer Hernandez was without the full benefit of the information provided by Carlos to Officer Herrera. The UOFRB was critical of Officer Herrera not redeploying to cover as he believed Torres was firing upon him and as his service pistol went to slide lock and while conducting an out-of-battery speed reload.

After Officer Zendejas discharged his service pistol, Officers Zendejas and Organista redeployed from their patrol vehicle to a large concrete wall which provided optimal cover as Torres was contained in the alley where he was shot and laying on the ground.

Other Resources – Upon determining Torres was the suspect in the radio call, Officer Herrera utilized CD to contact and direct Carlos to meet with himself and

Officer Hernandez. When Carlos arrived, Officer Herrera gathered additional information regarding the threat Torres posed to officers as well as Carlos. Officer Herrera informed Officer Hernandez of the threat and attempted to gain the compliance of Torres. Torres disregarded officers' commands and removed a handgun from his waistband and fired it at officers. In response, officers returned fire and upon completion of the first volley of fire, Officer Herrera broadcast a help call, which included the request for additional personnel, a supervisor, and an airship. Officers Herrera and Hernandez' lack of additional resources prior to re-engaging Torres resulted in a delayed response in personnel at scene prior to and during the deadly force incidents.

The UOFRB noted that Officers Herrera and Hernandez' tactical response would have benefited from requesting additional resources once Officer Herrera became aware of the threat Torres posed to officers and Carlos instead of having waited until the OIS to do so.

Sergeant Kiefer utilized the airship and the additional personnel at scene for communication as well as to secure the scene prior to taking Torres into custody. Sergeant Kiefer also requested and utilized the additional safety equipment of the ballistic shield prior to the arrest team approaching Torres who was potentially a continued threat to officers.

Lines of Communication – Officer Hernandez read the comments of the radio call to Officer Herrera wherein they discussed and developed a plan to initially meet with Carlos prior developing a more in-depth plan on how to further approach the incident. During the course of the incident and due to the rapidly evolving situation when Officers Herrera and Hernandez observed Torres was in possession of a handgun, they were unable to provide commands due to Herrera's violent actions.

Immediately following the initial OIS incident, Officer Hernandez verbalized for Carlos to jump over a fence in an attempt to remove him from the scene and out of harm's way while Officer Herrera communicated with CD the officers' need for additional resources and immediate assistance. As Carlos was jumping over the fence, Officer Hernandez briefly observed Torres on fencing and heard his movements which lead him to believe Torres was attempting to acquire a tactical advantageous position on officers and climb to the roof of the residence. Officer Hernandez redeployed and communicated with Officer Herrera of Torres' actions and the belief he may be on the roof. While in front of the residence, officers continued to communicate with each other and when Torres emerged from a neighboring residence they communicated Torres' location to each other. As the event unfolded the communication between officers diminished but was re-established when Torres' whereabouts became unknown and Officer Hernandez verbalized with Officer Herrera to relocate to cover as additional personnel arrived on scene

The UOFRB noted that Officers Herrera and Hernandez conducted limited communication in developing their initial plan which they ultimately disregarded,

resulting in officers contacting Torres prior to meeting with Carlos and forming their tactical plan. The UOFRB continued to note the lack of communication between the officers, especially when Officer Herrera became informed Torres may be in possession of a handgun. Furthermore, Officers Herrera and Hernandez did not effectively communicate with each other while they each conducted reloads of their service pistols.

Officers Zendejas and Organista discussed directions while enroute to the call in a different division, outside of their assigned area. They discussed the suspect description and status of the incident prior to their arrival. They continued to communicate with each other and responding personnel to tactically approach and ultimately apprehend Torres.

Sergeant Kiefer effectively communicated with the airship, additional supervisors, and numerous officers at scene. Through Sergeant Kiefer's communication with personnel at scene he ensured locations were searched, teams were formed, and the apprehension of Torres was reasonably accomplished.

During the review of the incident, the following Debriefing Topics were noted:

- **Debriefing Point No. 1 Tactical Planning** (Substantial Deviation, without Justification – Officers Herrera and Hernandez)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

The investigation revealed that Officers Herrera and Hernandez did not discuss contact and cover roles or develop a specific plan while enroute to the radio call. Furthermore, as the incident progressed Officers Herrera and Hernandez failed to assess the information they received and formulate or communicate a plan on how to best approach the changing dynamics of the incident.

In this case, Officer Hernandez stated he had read the comments of the radio call to Officer Herrera, which included for them to meet with the PR who had been illegally locked out of his own residence by the suspect. Officers Herrera and Hernandez developed a plan to meet with the PR and upon receiving additional information would then develop a tactical plan on how best to approach the incident. However, the officers responded directly to the residence and ultimately made immediate contact with the Torres, the suspect, in contrast to their own plan.

The UOFRB noted Officers Herrera and Hernandez both had the opportunity to create and communicate a specific plan with each other while enroute and even as they arrived at the scene of the radio call. While the officers did create an initial plan to contact the PR and develop a more elaborate plan from there, they

immediately diverted from their initial plan. The comments of the radio call requested the officers to contact the PR upon the officers' arrival and that the PR would be standing by their vehicle. The PR's phone number was included in the radio call. Had the officers met with Carlos prior to meeting with Torres, per their initial plan, they could have used the information provided by Carlos to implement additional tactical de-escalation techniques. They would have had an opportunity to assess that the radio call was not simply an illegal lockout, but a more critical incident needed requiring a more detailed tactical plan, incorporating additional resources, containment, and effective communication between the suspect and officers. The UOFRB also noted that while the officers had discussed tactics during their prior shift together, they failed to engage in discussion on this shift and in particular this event which generated confusion to their designation of contact and cover roles.

The Chief would have preferred that Officers Herrera and Hernandez had developed, communicated, and executed a more detailed plan, which established roles and assignments, including contact and cover, as well as lethal and less lethal designations as they were enroute to the radio call. This would have enabled the officers to maintain a tactical advantage and ensure they properly functioned as a team. The Chief additionally would have preferred that the officers continuously communicated their plans with each other throughout the entirety of the incident to ensure a successful resolution.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Herrera's and Hernandez' tactical planning substantially, and unjustifiably, deviated from approved Department tactical training. The Chief will direct this to be a topic of discussion during the tactical debrief.

- **Debriefing Point No. 2 Additional Unit Request** (Substantial Deviation, without Justification – Officer Herrera)

An "Additional Unit" broadcast is when an officer requires an additional unit for a non-emergency situation. The officer requesting shall include the location, followed by the unit identification and all other pertinent information. An "additional unit" request is not an emergency call and responding officers shall obey all traffic laws when responding (*Los Angeles Police Department Manual, Volume 4, 120.40*).

Officer Herrera did not request additional resources when he was advised that Torres was armed with a handgun. Carlos additionally advised Officer Herrera that Torres was a convicted felon for attempted murder and had recently pointed the handgun and Carlos and his wife. Officer Herrera chose to not draw attention to the information he had received and instead approached Torres and attempted to detain him with only the assistance of his partner.

In this case, Torres was continuing to be cooperative and there was no exigency in immediately approaching and detaining him. Officer Herrera had the time and opportunity to, at a minimum, request additional resources to the officers' location prior to making his approach and attempt to detain Torres. The UOFRB would have preferred Officer Herrera gathered additional personnel to the scene prior to engaging Torres. Officer Herrera placed himself and his partner, Officer Hernandez, at a tactical disadvantage by not requesting additional resources.

Based on the totality of the circumstances, the UOFRD determined, and the Chief concurred, that Officer Herrera's tactics substantially deviated, without justification, from approved Department tactical training. In order to enhance future performance, the Chief will direct this to be a topic of discussion during the tactical debrief.

- **Debriefing Point No. 3 Public Safety at Critical Incidents** (Substantial Deviation, without Justification – Officers Herrera and Hernandez)

Reverence for human life is the primary consideration in developing tactics and strategies in pursuit of our motto: "To Protect and To Serve." Whenever an operation designed to achieve an immediate goal such as the arrest of a felon or the gathering of evidence to complete a criminal investigation causes a victim, witness, or other innocent person to be subjected to potential injury or death, our primary objective must be to protect that person. No arrest, conviction, or piece of evidence can outweigh the value of human life (Los Angeles Police Department Manual, Volume 1, 130.25).

In this case, after discovering Torres was possibly armed with a handgun, Officer Herrera walked away from Carlos and towards Torres and his partner, Officer Hernandez. According to Officer Herrera, he gestured to Carlos for him to remain behind and not approach. Carlos instead followed behind Officer Herrera. Officer Herrera notified Officer Hernandez what information that Carlos had informed him of, yet both officers allowed Carlos to approach and verbally engage with Torres, who was possibly armed with a handgun, and remain in close proximity to the incident.

The UOFRB noted preservation of life is one of our most fundamental values and after officers became aware of the danger Torres presented, not only to themselves but also to Carlos, care should have been taken to clear Carlos away from the scene. The Chief would have preferred officers had provided additional direction to Carlos to remove him from the possibility of harm and to ensure his safety.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Herrera' and Hernandez' actions substantially deviated, without justification, from approved Department tactical training. The Chief will direct this to be a topic of discussion during the tactical debrief.

- **Debriefing Point No. 4 Tactical Communication** (Substantial Deviation, without Justification – Officer Herrera)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain No. 22).

The investigation revealed that Officer Herrera did not effectively communicate with Officer Hernandez of the possible possession of a firearm by Torres, nor was a plan created implemented or communicated. Furthermore, the officers engaged in limited communication between themselves as they became involved in multiple OIS occurrences.

In this case, Officer Herrera was informed by Carlos that Torres was in possession of a handgun. Officer Herrera proceeded to walk back to where Officer Hernandez and Torres were conversing and provided Torres with commands to further exit the residence prior to alerting Officer Hernandez of the information that he had received. When asked by Officer Hernandez if there were any issues or new information obtained from Carlos, Officer Herrera informed him there were no issues. After Torres ignored Officer Herrera's commands, Officer Herrera notified Officer Hernandez that Torres may be in possession of a handgun. According to Officer Herrera he chose not to draw his service pistol in order to de-escalate the situation and instead preferred to attempt to gain compliance from Torres. Officer Herrera additionally stated he did not call his partner back to his location as he did not want Officer Hernandez' back turned towards Torres. Additionally, as the incident escalated into a deadly force incident, the officers conducted minimal communication between themselves while they followed Torres, engaged in additional OIS occurrences and conducted both tactical and in-battery reloads of their service pistols.

The UOFRB noted Officer Herrera's lack of communication with Officer Hernandez placed them in a tactical disadvantage and limited Officer Hernandez's reaction time in assessing the incident. This initial tactical disadvantage continued throughout the incident. The officers' continued lack of communication during after the OIS occurrences left much room for improvement. The Chief would have preferred that the officers communicate with each other while enroute to the incident and as new information became available.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Herrera's lack of tactical communication placed both officers at a tactical disadvantage and forced the officers to be reactionary to Torres' actions. As such, Officer Herrera substantially deviated, without

justification, from approved Department tactical training. The Chief will direct this to be a topic of discussion during the tactical debrief

- **Debriefing Point No. 5 Utilization of Cover** (Substantial Deviation, without Justification – Officer Herrera)

Cover is defined as any object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, July 2015).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XLVI, Issue 9, October 2017).

The utilization of cover, coupled with distance, enables an officer time to confront an armed suspect while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

Upon learning that Torres was possibly armed with a handgun, Officer Herrera approached Torres and did not fully utilize the cover that was available, nor did he advise his partner to seek cover.

In this case, Officer Herrera was informed by Carlos that Torres was a convicted felon for attempted murder, was in possession of a handgun, and had pointed the handgun at Carlos and his wife on prior occasions. The UOFRB noted that a parked vehicle and pillars were available as cover for Officer Herrera. Instead of utilizing cover and alerting Officer Hernandez to do the same, Officer Herrera approached the front porch area and attempted to detain Torres prior to informing his partner. After Torres failed to follow Officer Herrera's commands, Officer Herrera advised Officer Hernandez that Carlos had informed him that Torres was possibly in possession of a handgun. However, even after making this notification, both officers continued to stand in the open air and not utilize cover. It was only after Torres produced a handgun and fired it at the officers that they redeployed behind cover. The UOFRB was critical of Officer Herrera's decision and opined that Officer Herrera placed himself, his partner and Carlos in a significant tactical disadvantage, which posed an unnecessary risk to them all. The UOFRB also noted that Officer Hernandez' lack of using cover was of short duration and due to Officer Herrera's lack of adequate communications.

In addition, after his second volley of fire, Officer Herrera did not seek cover that was available to him.

In this case, Officer Herrera continued to follow Torres as he continued west on Ottoman Street, after his second volley of fire. Officer Herrera followed Torres while remaining in the middle of the street. He bypassed available cover afforded to him from parked vehicles on both sides of the street. Officer Herrera additionally maintained his position on the street as he discovered his service pistol had depleted all of its ammunition and was in slide lock and he made no attempt to redeploy behind cover as he completed an out-of-battery speed reload. The UOFRB would have preferred Officer Herrera utilized the available cover provided to him, especially considering Officer Herrera's belief that Torres was firing his handgun at him.

Based on the totality of the circumstances, the UOFRB, and the Chief concurred, that Officer Herrera's decision to disregard cover during his approach with Torres, to not inform Officer Hernandez to utilize cover, and also his inadequate use of available cover during his exchange of lethal force with Torres, were a substantial deviation, without justification, from approved Department tactical training. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Front Desk Procedures** – Officer McDermott was assigned as the desk officer when Carlos, Deadira Torres and Ariel Torres responded to Mission Community Police Station. Officer McDermott assisted them with calling CD from the front desk regarding a possible family dispute and illegal lockout incident. Officer McDermott did not relay information gleaned from speaking with Carlos to CD or to the responding unit that may have assisted Officer Herrera and Hernandez in the incident. The UOFRB recommended, and the Chief concurred, that Officer McDermott would benefit from attending the Tactical Debrief to review the topic of the coordination of information between all involved officers. As such, the Chief is directing Officer McDermott to attend the tactical debrief; furthermore, the Chief will direct this to be a topic of discussion during the tactical debrief.
- **Situational Awareness** – As Officers Herrera and Hernandez arrived at the southeast corner of Ottoman Street and Arleta Avenue, they were unaware of their direction of travel and had to utilize a cellular phone for assistance. The officers are reminded of the importance of knowing their location, not only for their own personal safety, but also in order to provide direction for additional responding personnel. The Chief will direct this to be a topic of discussion during the tactical debrief.

Officer Organista did not place the police vehicle in park upon their arrival at scene and drew his service pistol as he exited the police vehicle. Officer Organista transitioned his service pistol from his right hand to his left hand momentarily while he placed the police vehicle in park. Although responding to a rapidly evolving

situation, Officer Organista is reminded to ensure proper control of his police vehicle and his service pistol at all times to ensure safety to officers as well as the public. The Chief will direct this to be a topic of discussion during the tactical debrief.

- **Code-Six** – Officers Zendejas and Organista did not place themselves Code-Six as they arrived at scene. They had just started their shift and were preparing their police vehicle and personal equipment when the “Officer Needs Help” call was broadcast. Due to a Mobile Digital Computer (MDC) malfunction and a request by the air unit to keep the frequency clear, Officers Zendejas and Organista were not able to place themselves Code-Six via the MDC and did not broadcast their Code-Six status upon arrival. In addition, the investigation revealed Sergeant Kiefer placed himself Code-Six approximately four minutes after he arrived at scene. Sergeant Kiefer had also just started his shift when the help call broadcast was made. Based on the air unit’s request for units to remain off the air, Sergeant Kiefer delayed his Code-Six status broadcast. Sergeant Kiefer, as well as Officers Zendejas and Organista, are reminded of the importance of going Code-Six as soon as practicable; however, due to the dynamic aspect of this situation their delayed response was justifiable. To enhance future performance, the Chief will direct this be a topic of discussion during the Tactical Debrief.
- **Protocols Subsequent to a Categorical Use of Force** – The investigation revealed that Sergeant Kiefer utilized Officer Zendejas, an involved officer, in the arrest team to take Torres into custody. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Kiefer arrived at the location of the final OIS involving Officer Zendejas and took supervisory control of the incident. He directed officers to maintain their positions and designated Officer Ibarra as the sole communications officer in regard to communicating with Torres. When Sergeant Vega arrived, Sergeant Kiefer, aware of potential additional suspects, directed Sergeant Vega to go to the front of 13141 Ottoman Street and coordinate taking them into custody, prior to approaching Torres. Sergeant Kiefer advised TFO Gomez of his plan to hold the arrest team at the mouth of the alley until the suspects were taken into custody and a ballistic shield arrived for their approach. He then organized and assigned roles and positions to the arrest team which included point, shield, less-lethal, and arrest. Upon confirmation 13141 Ottoman Street was clear of threats, he directed the arrest team to approach Torres and take him into custody.

Upon Torres being taken into custody, Sergeant Kiefer separated Officer Zendejas and informed him to turn off his BWV, not speak to anyone regarding the incident, and informed the Incident Commander, Sergeant Kahoe, of Officer Zendejas' involvement.

Sergeant Kiefer was informed that the initial OIS location had yet to be searched for additional victims or suspects. He assembled a search team, assigned and designated roles, and conducted a warrantless search of the location.

Sergeant Vega organized and coordinated the clearing of the location at 13141 Ottoman Street, the detention of the occupants to determine if they were involved in any related criminal activity.

Sergeant Kahoe responded and took over as Incident Commander. He directed crime scene management, assured involved personnel were separated, monitored, admonished, and requested a Command Post to be established and additionally directed Sergeant Kiefer to clear the location of the original OIS at 13101 Ottoman Street.

Sergeant Hearn responded to the incident and assisted separation and monitoring of Officers Herrera and Hernandez. She additionally obtained a PSS from Officers

Herrera and Zendejas. The UOFRB noted Sergeant Hearn assigned Officer Cuellar to monitor involved Officer Hernandez for a short time, while she notified the IC of his involvement. Sergeant Hearn additionally left her BWV activated while she obtained the PSS of an involved officer. Sergeant Parker notified the DOC of the incident.

The actions of Sergeants Kahoe, Kiefer, Vega, and Parker were consistent with Department supervisory training and the Chief's expectations of a field supervisor during a critical incident.

The actions of Sergeant Hearn, assigning an officer to separate and monitor an involved officer, was not consistent with Department supervisory training and the Chief's expectations of a field supervisor.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeant Kiefer, along with Officers Zendejas, and Organista's tactics did not represent a deviation from approved Department tactical training.

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officer Herrera and Hernandez' tactics substantially deviated, without justification, from approved Department training, and thus warranted a Tactics finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

The UOFRB recommended, and the Chief concurred, that Officer McDermott would benefit from attending the Tactical Debrief.

Therefore, the Chief will direct that Sergeant Kiefer and Officers Herrera, Hernandez, Zendejas, Organista, and McDermott attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;

- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On August 29, 2019, Officers Herrera, Hernandez and Zendejas attended a GTU. All mandatory topics were covered.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Hernandez

According to Officer Hernandez, he drew his service pistol because he observed Torres lift his shirt which exposed a handgun in Torres’ waistband. Torres then removed the handgun from his waistband and pointed it towards the officers. According to Officer Hernandez, he drew his service pistol because he was in fear of Torres and knew that a handgun could cause serious bodily injury and it can also cause death.

Officer Hernandez recalled, *“I unholstered my gun, because now the suspect that we were just talking to, now he’s a threat now and I know that -- I know a gun can actually cause serious bodily injury and it can also cause death. In order to prevent that is why I unholster my gun. And before I can even give any commands for him not to reach for the gun or do anything with the gun, just put his hands up or to prevent it from escalating to a shooting, he reaches for his gun, begins draw --at this point he’s grabbing it, begins drawing it out of his waistband, and then begins -- what’s it called? He draws it from his waistband and begins pointing it towards our direction, lifting his arm.”*⁵⁴

*“And then he -- the suspect went and reached into his waistband, lifts up the shirt, and I was able to see that he had a firearm. I could not see exactly make type, but I can see that it was a handgun. It was not a rifle or a shotgun or anything like that. At that point I decided to withdraw -- draw my gun, because now there was a threat - - an eminent threat where he can cause serious bodily injury or death to either my partner, the PR, which was the father, or myself.”*⁵⁵

⁵⁴ Hernandez, Interview 2 of 2, Page 10, Lines 1-13.

⁵⁵ *Id.*, Interview 1 of 2, Page 8, Lines 1-10.

*"He enters the doorway. Says, 'Hey, you guys are not welcome in here.' Begins to close the door. And then as he's -- as he's in the doorway, he lifts up his shirt and I can see a gun -- a firearm in his waistband. Soon as I saw the firearm, I unholster my gun with my right hand and I start taking side steps. I unholstered my gun, because now the suspect that we were just talking to, now he's a threat now and I know that -- I know a gun can actually cause serious bodily injury and it can also cause death. In order to prevent that is why I unholster my gun."*⁵⁶

Officer Herrera

According to Officer Herrera, he drew his service pistol because he had been informed by Carlos that Torres was a convicted felon for attempted murder and may be in possession of a handgun. After he relayed the information to Officer Hernandez, Torres became agitated, reached for his waistband with his right hand where he produced, drew, pointed the handgun at Officers Herrera and Hernandez, and fired it at the officers. According to Officer Herrera, he unholstered his weapon to protect himself and others from serious bodily injury or death from him shooting at us.

*Officer Herrera recalled, "And a few moments later, a male showed up, which identified himself as the suspect's father. And he advised that they had been having ongoing problems with their son, and that he is locking them out of the house, and that he is known to have a firearm. At which point, I proceed closer to my partner, which was who he was speaking with the suspect, to advise him of the -- what was going on, to attempt to have some sort of plan. I attempted to contact the suspect. She began to start getting agitated when he reached for in his waistband with his right hand and produced a firearm. At that point, he let off one round, and I just -- I unholstered my weapon to protect myself and others from serious body injury or death of him shooting at us."*⁵⁷

*"And once the father said, 'You can go ahead inside the house and can you search the house,' he then backed up into the -- into the doorway, pulled out a firearm with his right hand from his waistband. He -- he then pointed the firearm at us. And that's when I unholstered my weapon to -- to prevent death or bodily injury, serious bodily injury, and the suspect pointed the firearm at us."*⁵⁸

⁵⁶ *Id.*, Interview 2 of 2, Page 9, Line 20 – Page 10, Lines 5.

⁵⁷ *Id.*, Interview 1 of 2, Page 6, Lines 7-20.

⁵⁸ *Id.*, Interview 2 of 2, Page 6, Lines 16-23.

Officer Zendejas (Two Occurrences)

First Occurrence

According to Officer Zendejas, he responded to an officer needs help call, where there were shots fired and he knew the suspect was in the area. Officer Zendejas drew his service pistol because he had reason to believe that the situation could have escalated to the point where deadly force could be justified. According to Officer Zendejas, as he arrived on scene he observed Torres was in possession of a firearm and Torres was already drawn out with both arms, both hands pointing a firearm at their direction.

Officer Zendejas recalled, *"Pretty much the reason why I unholstered my firearm was based on the tactical situation. I had reason to believe that the situation would have escalated to the point where deadly force could be justified. And I -- like I said, I knew the -- as soon as I identified the threat, I saw the firearm and that's the reason. And I had heard the shots, I heard the officer needs help call, so I know there was some type of shots fired and I knew that the suspect was in that area, because that's what the airship was giving us updates on."*⁵⁹

*"So I look to my right. I don't see the suspect that's being described. As soon as I look to my left, I immediately recognize the suspect and I recognize the threat that he had in his hand. When we approach the alley from -- on the street, he's already - he's already drawn out with both arms, both hands pointing a firearm at our direction. At which point I immediately unholstered due to the tactical situation."*⁶⁰

According to Officer Zendejas, he holstered his service pistol in order to apply personal protective equipment to his hands after he was designated the handcuffing officer as part of the arrest team.

Second Occurrence

According to Officer Zendejas, he drew his service pistol for the second occurrence as he and the arrest team approached Torres to take him into custody. Officer Zendejas stated Torres' firearm was directly next to Torres and believed he was still a possible threat.

Officer Zendejas recalled, *"So when we're out on the wall, I holster my firearm, put the gloves on, and then we were waiting for the shield and that's -- I already had unholstered obviously at the time. And then we started approaching, put my gloves on, and my firearm out."*⁶¹

⁵⁹ Zendejas Interview 1 of 2 Page 5, Line 23 – Page 6, Line 9.

⁶⁰ *Id.*, Page 5, Line 23 – Page 6, Line 6.

⁶¹ *Id.*, Page 27, Lines 12-17.

*"There's a firearm in the immediate -- directly next to the suspect. I don't know if he's -- like I said, I don't know if he's playing -- he's playing -- he's not -- opossum or whatnot, and I didn't want to risk it for us to take some rounds."*⁶²

Officer Organista

According to Officer Organista, as he drove to the help call, he observed Torres had a handgun pointed straight in his and Officer Zendejas' direction. In response, Officer Organista exited his police vehicle and drew his service pistol. He believed Torres posed a threat to himself and his fellow officers and it was an immediate defense of life situation.

*Officer Organista recalled, "So as I was heading towards the rear of the car, that's when I saw the suspect at that time had a firearm pointed straight into our direction. At that time my, my attempt was to cant the vehicle fully to, to face the threat and, and use our vehicle as cover, which includes our ballistic panels to the door. However, due to all the traffic that was coming northbound, I was only able to slightly cant the vehicle just a few angles. At that time I was exiting the vehicle, based on the car I wasn't able to see -- I wasn't able to remain in the car to get a good visual of the suspect. So I was -- my my [sic] attempt was to exit, use my door as, as cover and then I was holstering at the same time."*⁶³

*"So at that point that's when I remember just him reaching out with the right hand canting it towards the direction of us in our direction. But he had a shooting stance more so or less. And when he saw us, he addressed -- he pointed that gun straight to our direction. And that's when I -- you know, we knew that we had an immediate defense of life situation at that point."*⁶⁴

According to Officer Organista he holstered his service pistol after Torres was taken into custody and Mission Division officers had searched, cleared and provided a Code-Four for the residence Torres had run through prior to the final OIS in the alleyway.

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officers Herrera, Hernandez, Zendejas, and Organista's Drawing/Exhibiting. The UOFRB noted that the Officers Herrera and Hernandez responded to a radio call of a "family dispute" that escalated to the point where the suspect produced a handgun and fired it at officers. In response, officers drew their service pistols to protect themselves and others from the immediate threat of serious bodily injury or death

⁶² *Id.*, Page 27, Line 25 – Page 28, Line 5.

⁶³ Organista Page 8, Lines 7-21.

⁶⁴ *Id.*, Page 19, Line 24 – Page 20, Line 2.

created by the suspect. Officers Zendejas and Organista responded to the incident and observed that Torres was armed with a handgun.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Herrera, Hernandez, Zendejas, and Organista, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Herrera, Hernandez, Zendejas, and Organista's Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*

- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Lethal Use of Force⁶⁵

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Hernandez – 9mm, seven rounds fired in two volleys.

Volley One - Four rounds, in a northerly direction from an approximate distance of 20 feet.

According to Officer Hernandez, he observed Torres lift his shirt which exposed a handgun in Torres' waistband. Torres withdrew the handgun from his waistband, raised the handgun and pointed it towards the officers. Officer Hernandez discharged four rounds at Torres because he was in fear Torres could cause serious bodily injury to himself, his partner, and Torres' own father.

Officer Hernandez recalled, *"As he was going for his gun, draws the gun out and he's lifting the gun towards our direction, he's also closing the door. So that's why I took action and shot three to four rounds, because I was in fear that, you know, this guy -- not only did he lift up his shirt and shows us a gun, now he's reaching for it. He pulls out the gun, right."*⁶⁶

"Now he could cause serious bodily injury to his father, my partner, or myself or even death. So at that point I'm in fear that he might -- someone might get seriously injured. So that's why I opened -- opened fire and shot approximately three or four

⁶⁵ Los Angeles Police Department Manual, Volume No.1, Section 556.10.

⁶⁶ Hernandez, Interview 2 of 2, Page 10, Lines 19-25.

*rounds. As soon as I see the door close, I get my gun at a ready low, which is what we're taught at the academy to assess. Because I can no longer see him, can no longer see if he's a threat, because I don't know where he is inside the door. I can see a window to my right side and I checked the window. I don't see him there. At that point I decide to redeploy, because I know that at the position I was at, I'm still vulnerable where -- since I don't know where he is inside the house."*⁶⁷

*"And before I can even give any commands for him not to reach for the gun or do anything with the gun, just put his hands up or to prevent it from escalating to a shooting, he reaches for his gun, begins draw -- at this point he's grabbing it, begins drawing it out of his waistband, and then begins -- what's it called? He draws it from his waistband and begins pointing it towards our direction, lifting his arm. At which point I opened fire. I know my partner opened fire. I don't know exactly -- I'm not 100 percent if he did, because of all the noise that's going on from the shots being shot off. And as -- I shot approximately three to four -- four rounds."*⁶⁸

*"Center mass, yes, because I was taught at the academy you always go for center mass."*⁶⁹

The UOFRB determined that all of the rounds of Officer Hernandez' First Volley of fire to be reasonable as Officer Hernandez was presented with an imminent threat of death or serious bodily injury.

Volley Two - Three rounds, in a westerly direction from an approximate distance of 71 feet.

According to Officer Hernandez, as he is positioned near the front of the residence he observed Torres on the sidewalk a few houses west of their location, still in possession of the handgun. Torres raised the handgun and pointed it at the direction of Carlos. Officer Hernandez believed Torres was a threat to him, to his partner, or Carlos and discharged his service pistol.

Officer Hernandez recalled, *"And I heard him, so I heard him when he said "pa." And that's why I told my partner -- I thought that at the moment he was going to try to get on the roof."*⁷⁰

"I say it happened so fast is that we're coming out of the front residence, right. I'm behind them. They're trying to get to cover, and I see him do -- do that, lift up his -- he's calling his dad, lift up his arm with what appears to be a gun. I open fire and

⁶⁷ *Id.*, Page 11, Lines 6-22.

⁶⁸ Hernandez, Interview 2 of 2, Page 10, Lines 6-18.

⁶⁹ *Id.*, Page 38, Lines 17-19.

⁷⁰ *Id.*, Page 39, Lines 13-16.

*then move to cover, right, so I wouldn't be exposed to whatever if he decides to turn to my -- towards my direction and shoot any rounds."*⁷¹

*"But I see the suspect, and I see what appears to be the same -- same gun that I had seen initially when we were in the front of the door. And I see him when he's lifting the gun, pointing it at the direction of where the father -- where I had seen the father. And that's when I go on target and I can see him through my front sight. Now when we're -- during our training, right, they always tell us you always focus on your front sight. Of course you got to see your background and see what you're aiming at. So I can see the -- I can see the suspect, but at the same time I'm concentrating on my front sight, so I can get a good shot and not have to -- instead of shooting ten rounds, I can minimize that and minimize the exposure that, you know, if I do miss, I can hit a civilian or a bystander. And I did -- when I do decide to open fire, it was approximately another three to four rounds, and I did not see anyone in my sight. I knew that my partner wasn't anywhere near where I'm pointing my gun at. I knew that the father wasn't anywhere nearby. But I can see the suspect across. Like I said, I approximately shot three to four rounds. Once I -- once I shot those three to four rounds, I go to assess. I do see him -- I do see him fall. I do not know if it's because he was hit by the shots that I shot or that my partner shot or if -- if it was because he hears the guns going off that he decides to just back away and trips and falls."*⁷²

*"That second time that I shot three to four rounds, that's when I observed him again with the handgun."*⁷³

*"Because of the distance, I couldn't tell if it was the right or left exactly, but I saw a gun in his hand. Don't know exactly how far he extended it out, but I see that motion of, like, him lifting a gun. That's when I went and aim and then when I aim, now I'm -- Because I already know what my threat is and know what the intentions are and I know that the father is over there where his body -- where his body is positioned and aiming towards, right. I go up to aim. Now I'm focusing center mass. I'm focusing on my front sight, and then I took three or four round -- shot three to four rounds. And then that's when I go to assess, see what's going on. Because that's how -- back to my training, that's how I was taught that, you know, I'm not going to shoot 17 rounds and then wait till I'm fully unloaded a mag to check what's going on, but to shoot three to four rounds and then assess my threat and then take it from there."*⁷⁴

⁷¹ *Id.*, Interview 1 of 2, Page 19, Lines 10-18.

⁷² Hernandez, Interview 2 of 2, Page 15, Line 12 – Page 16, Line 16.

⁷³ *Id.*, Page 42, Lines 16-18.

⁷⁴ *Id.*, Page 45, Line 20 – Page 46, Line 14.

"At that point I knew that he was no longer a threat to me, to my partner, or the father."⁷⁵

The UOFRB determined that all of the rounds of Officer Hernandez' Second Volley of fire to be reasonable as Officer Hernandez was presented with an imminent threat of death or serious bodily injury.

- **Officer Herrera** – 9mm, 26 rounds fired in four volleys.

Volley One (Rounds one through seven) - Seven rounds, in a northerly direction increasing approximate distance of 17 to 25 feet.

According to Officer Herrera, Torres became agitated, produced a handgun from his waistband, pointed the handgun and shot at the officers. Officer Herrera stated he fired his service pistol to protect himself and others from serious bodily injury or death and to stop the threat.

Officer Herrera recalled, *"He then mentioned that he was -- had been arrested -- I can't remember if it was 12, 13 years for attempt murder. That's when I realized that we had a crime, because a felon with a firearm. I went and approached my partner to -- to make a plan of how we were going to handle it. That's when I looked over at the suspect, and he was not the same demeanor as when we first met with him. He was acting very different. He looked very nervous. And that's when I started to try to de-escalate, try to get him on the outside of the house and to try to talk to him, and to figure out what was the issue with his parents."⁷⁶*

"I attempted to contact the suspect. She began to start getting agitated when he reached for in his waistband with his right hand and produced a firearm. At that point, he let off one round, and I just -- I unholstered my weapon to protect myself and others from serious body injury or death of him shooting at us. And I fired rounds in his direction to stop the threat."⁷⁷

"I observed smoke coming out of the -- the barrel of his weapon of his firearm. I heard a sound of a 22-caliber handgun."⁷⁸

The UOFRB determined all the rounds of Officer Herrera's First Volley of fire to be reasonable as Officer Herrera was presented with an imminent threat of death or serious bodily injury.

⁷⁵ *Id.*, Page 15, Lines 20-22

⁷⁶ Herrera, Interview 2 of 2, Page 6, Lines 2-13.

⁷⁷ *Id.*, Interview 1 of 2, Page 6, Lines 15-21.

⁷⁸ *Id.*, Interview 2 of 2, Page 26, Lines 10-11 and Lines 14-15.

Volley Two (Rounds 8 through 18) – Eleven rounds, in a westerly direction from an increasing approximate distance of 38 to 97 feet.

According to Officer Herrera, he redeployed to the street and observed Torres running west on Ottoman Street towards Arleta. Officer Herrera stated Torres was running with a handgun in his right hand. Officer Herrera described Torres holding the handgun under his left armpit, as he continued running and pointing the firearm in Officer Herrera's direction. Herrera stated he fired his firearm once again.

Officer Herrera recalled, *"At which point, he ran into the house, and my partner and I redeployed to the street to get a better view of the home to see if he went into a different direction. At which point, we observed him running eastbound on Ottoman towards Arleta. And he continued to -- to point the firearm in our direction, which -- at which point, I fired my firearm once again."*⁷⁹

*"He was -- he was pointing it in our direction. So basically, he was running but he was turning over to his left shoulder and still pointing the firearm at us."*⁸⁰

*"I observed the suspect cut through the street. He passed one -- one vehicle. And as he's running, he points the firearm and t -- towards us. And a second -- at the second time, I -- I shot my firearm. Once the suspect fell to the -- to the ground, I -- I -- I was also out of -- out of battery. I did a re -- a speed reload, and the suspect kept running westbound Ottoman towards Arleta. I -- to the point where he -- he -- he was hiding behind a vehicle. I could no longer see him. So I kept -- I ran towards Arleta as well, westbound, to -- to try to attempt to get a better view to see where he was -- he was headed to set up the perimeter for containment."*⁸¹

*"What I can recall when he was running, you could see the firearm in his right hand. And then what I believed when he saw me, that's when he -- he -- he went in this, like in this motion, pointing the firearm towards me." (FID investigator clarified by asking, "And you're demonstrating your right arm going under your left armpit turning to your left?) Yes."*⁸²

*"There was an assessment. I was off shooting continuous twos. And at that point when I observed that he was -- the suspect was more of facing away from me, I observed that he fell to the ground. That's when I stopped firing."*⁸³

⁷⁹ *Id.*, Interview 1 of 2, Page 6, Line 22 – Page 7, Line 3.

⁸⁰ Herrera, Interview 1 of 2, Page 13, Lines 8-11.

⁸¹ *Id.*, Interview 2 of 2, Page 7, Line 18 – Page 8, Line 3.

⁸² *Id.*, 2 of 2, Page 38, Lines 13-23.

⁸³ *Id.*, 2 of 2, Page 39, Lines 20-24.

The UOFRB determined that rounds 8 through 16 Officer Herrera's Second Volley of fire to be reasonable as Officer Herrera was presented with an imminent threat of death or serious bodily injury.

The UOFRB was critical of the last two rounds of Officer Herrera's Second Volley (Rounds 17 and 18). Torres continued to run, turning his body away from Officer Herrera, prior to stumbling and falling to the ground. The UOFRB determined Torres was no longer a threat when Officer Herrera fired rounds 17 and 18. In addition, Officer Herrera perceived he had discharged eight or nine rounds in pairs, while assessing between each pair of shots. A review of Officer Herrera's BWV determined he discharged four rounds in rapid succession, followed by a brief pause, then seven additional rounds, stopping only when his service pistol went to slide lock.

Volley Three (Rounds 19 through 25) - Seven rounds in a westerly direction from an increasing approximate distance of 118 feet to 129 feet.

According to Officer Herrera, Torres turned around and presented the firearm again. Officer Herrera observed smoke come from the barrel, assuming Torres had fired another round towards him and his partner's direction. Officer Herrera stated Torres was waiting for him and pointing the firearm towards him and shot at him, which resulted in Officer Herrera discharged his service pistol for the third volley until he realized he did not have enough cover. According to Officer Herrera, in fear for his life he stopped shooting and redeployed to find better cover.

Officer Herrera recalled, *"The suspect continued running eastbound on Ottoman towards Arleta. And I -- I began to attempt to get a better position on the south side of the -- the sidewalk, which is when he turned around and presents the firearm again. And I observed smoke come from the barrel, assuming that he had fired another round towards our direction where I continued to fire my firearm."*⁸⁴

*"At that point, the suspect was waiting where you could say behind some object and pointing the firearm right at me. I started shooting again, and I -- then I realized where I was. I didn't have enough cover, so I redeployed to the vehicle just east of me right behind me."*⁸⁵

*"He was waiting for me. He -- he had the gun pointing right at me, and I engaged him and on him."*⁸⁶

⁸⁴ Herrera, Interview 1 of 2, Page 7, Lines 4-10.

⁸⁵ *Id.*, Interview 2 of 2, Page 8, Lines 3-8.

⁸⁶ *Id.*, Page 46, Lines 18-20.

*"Because I observed that he was -- he was firing at me, and in fear for my life, I -- I decided that I should go take cover and then -- and then start firing from cover rather than being in the -- in a location where it was just a tree that was pretty thin."*⁸⁷

The UOFRB determined all the rounds of Officer Herrera's Third Volley of fire to be reasonable as Officer Herrera was presented with an imminent threat of death or serious bodily injury.

Volley Four (Round 26) – One round, in a westerly direction from an approximate distance of 143 feet.

According to Officer Herrera, Torres continued to run and once again, produced his firearm towards his and his partner's direction. Officer Herrera stated he observed a shiny object coming from underneath Torres armpit which made him believe that Torres was pointing the firearm towards them. According to Officer Herrera he shot his final round and stopped shooting after he assessed Torres' location.

Officer Herrera recalled, *"As he continued to run -- as he continued to run eastbound on Arleta, he, once again, produced his firearm towards our direction, and I -- where I shot my final round, and realized that he was too far for me to identify a threat, and then we went to -- into containment mode, and we attempted to get a better advantage on Ottoman on the -- Ottoman and Arleta on the southeast corner."*⁸⁸

*"When I came back up, I saw the suspect running but still with the firearm. I saw a shiny object coming from underneath his armpit which made me believe that he was pointing the firearm towards our direction. I shot one last final shot. And that's when I realized the distance he had on us. And it wasn't a good shot for me to continue shooting based on the public, and as well as I was going to lose sight of him. I -- I then ran towards Arleta to try to get a better view of the suspect to -- to -- to maintain containment for the -- the units responding to the help call."*⁸⁹

The UOFRB determined Officer Herrera's Fourth Volley of fire (Round 26) to be unreasonable as Torres appeared to be running away from Officer Herrera at a distance of approximately 143 feet. Torres actions and his distance did not present an imminent threat of death or serious bodily injury to Officer Herrera, while Officer Herrera's discharged round at that great of a distance presented a danger to the citizens living in that residential community.

Officer Zendejas – 9mm, one round, in an easterly direction from an approximate distance of 95 feet.

⁸⁷ *Id.*, Page 48, Lines 19-23.

⁸⁸ Herrera, Interview 1 of 2, Page 7, Lines 11-18.

⁸⁹ *Id.*, Interview 2 of 2, Page 8, Lines 8-20.

According to Officer Zendejas, as he and Officer Organista approached the alley, Torres was already drawn out with both arms, both hands pointing a firearm their direction. Officer Zendejas immediately unholstered due to the tactical situation. Officer Zendejas stated he feared for his life and feared for the life of his partner. In order to stop the threat, he discharged his pistol.⁹⁰

Officer Zendejas recalled, *"To protect the life -- I feared for my life. I feared for the life of my partner. So in order for me to stop the threat, I fired my pistol -- my firearm."*⁹¹

*"He was pointing the firearm at us."*⁹²

*"When we approach the alley from -- on the street, he's already -- he's already drawn out with both arms, both hands pointing a firearm at our direction. At which point I immediately unholstered due to the tactical situation. He was armed, and I ended up firing approximately one round, because I had reason to believe -- it was an immediate defense of life. He was going to hurt me, he was going to hurt my partner, or the community around. I knew there was some type of movement on the corner house in the alley. So I ended up firing one round."*⁹³

*"Once I shot -- shot one time, the suspect stumbled back. I believe he fell to the ground, and that's the reason I shot only one time. The threat was stopped at the time. We ended up taking cover against the wall as we were trying to form an arrest team."*⁹⁴

The UOFRB determined Officer Zendejas use of lethal force to be reasonable as Officer Zendejas was presented with an imminent threat of death or serious bodily injury.

In this case, the UOFRB conducted a thorough review of the investigation. During their review, they took into consideration that Torres was an armed suspect who escalated the encounter into a deadly force incident by withdrawing a handgun from his waistband, pointing it, and ultimately firing it at Officers Herrera and Hernandez.

Additionally, Torres continued to engage officers and point the handgun in the direction of officers and Torres' own father, Carlos, as he attempted to evade apprehension. Torres continued to escalate the situation by entering an unlocked and uninvolved residence where a family resided. The family forced Torres out of

⁹⁰ *Id.*, Interview 1 of 2, Page 9, Lines 18-21.

⁹¹ *Id.*, Page 9, Lines 18-21.

⁹² *Id.*, Page 8, Lines 15-16.

⁹³ Zendejas Interview 2 of 2 Page 6, Lines 1-12.

⁹⁴ *Id.*, Page 6, Line 23 – Page 7, Line 3.

their residence and over a wall in their back yard where Torres continued his dangerous and defiant manner by continuing to point his handgun in the direction of responding officers which lead to the final OIS incident.

The UOFRB considered the minimal amount of time the officers had to make decisions, the training and experience possessed by the officers and the imminent threat posed by Torres to the officers and the community. The UOFRB noted that each officer articulated their perception of an imminent threat, when Torres, armed with a handgun, pointed it in the direction of officers as well as Carlos. Each of the officers specifically articulated their reasons for their use of lethal force which was to defend themselves, defend other officers at scene, as well as to protect the public. The UOFRB also deliberated at great length and considered that each of the officers conducted assessments of the rounds fired and their effectiveness.

The UOFRB noted that after the initial OIS incident, Officers Herrera and Hernandez redeployed and obtained cover from where they believed Torres was located. Torres spontaneously ran onto the sidewalk and street which significantly removed officers cover and again presented his handgun in the officer's direction wherein the action lead to an additional OIS between the officers and Torres.

The UOFRB was critical of Officer Herrera's second volley of fire as they determined rounds 8 through 16 reasonable as Officer Herrera was presented with an imminent threat of death or serious bodily injury; however, as Torres continued to run and turn his body away from officers, Torres was no longer constituted a threat. The UOFRB took into consideration Officer Herrera's perceived threat and lag time into consideration, but ultimately determined that Officer Herrera's continuation of firing rounds 17 and 18 were unjustifiable as Officer Herrera was no longer faced with the perceived threat.⁹⁵ As the incident continued Officer Herrera was faced with Torres, who again displayed his handgun and in a shooting stance in the direction of Officer Herrera. Officer Herrera reasonably fired his service pistol an additional seven rounds at Torres until Officer Herrera feared for his life, discontinued firing and sought cover behind a nearby vehicle. Upon establishing cover Officer Herrera unjustifiably discharged one final round at Torres as he ran away from officers. While Officer Herrera stated he assessed and was firing in pairs, the board deliberated and believed it was evident through analysis of the investigation and review of Officer Herrera's BWV that there was deficient assessment when he discharged his service pistol.

Officers Hernandez and Zendejas

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Hernandez and Zendejas would reasonably believe Torres' actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

⁹⁵ Lag time is the time it takes a person to react to an action.

Therefore, the Chief found Officers Hernandez and Zendejas' use of lethal force to be In Policy, No Further Action.

Officer Herrera

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Herrera when firing rounds 1 – 16 and rounds 19 – 25, would reasonably believe Torres' actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the Chief found Officers Herrera's use of lethal force (Rounds 1 – 16) and (Rounds 19 – 25) to be In Policy, No Further Action.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Herrera, when firing rounds 17, 18, and 26, would have believed that Torres no longer posed a threat to the officer.

Therefore, the Chief found Officer Herrera's use of lethal force (Rounds 17, 18, and 26) to be Out of Policy, Administrative Disapproval.

Additional/Required Equipment

- **Protocols Subsequent to a Categorical Use of Force** – The investigation revealed that Sergeant Hearn assigned a non-supervisory employee, Officer Cuellar, to monitor Substantially Involved Persons, instead of a supervisor. Officer Cuellar separated and monitored Officers Herrera and Officer Hernandez. Sergeant Hearn additionally left her BWV activated while she obtained the PSS of an involved officer. This issue was brought to the attention of Captain J. Smith, Serial No. 30339, Commanding Officer, Mission Patrol Division, who advised the issue was addressed through divisional training with Sergeant Hearn. The Commanding Officer of Operations – Valley Bureau (OVB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Body Worn Video (BWV) Activation** – The investigation revealed that Officers Cuellar, Tsai, Kruse, Zendejas, Ibarra, Enrique, and Sergeant Kiefer were identified as lacking a full two-minute buffer, a delayed activation, or both. An analysis by Mission Area, Foothill Area, and OVB determined that they activated their BWV cameras and responded Code-Three from their respective police stations. As such, per the Office of Constitutional Policing and Policies (OCP) Notice, the officers were authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. The identified anomalies were not considered a deviation from policy and resulted in no corrective action with the officer. The Commanding Officer of OVB and the

Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.⁹⁶

The Office of Operations conducted a random inspection of BWV assigned to Officers Cuellar, Tsai, Kruse, Zendejas, Ibarra, Enrique, and Sergeant Kiefer from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to the officer's identified non-compliance. The results of the inspections indicated all were in compliance.

The investigation revealed that Officer Simental lacked a full two-minute buffer for the incident. An analysis by Mission Area and OVB determined that Officer Simental was at Mission Community Police Station conducting follow-up duties. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. As such, the identified anomaly was not considered a deviation from policy and resulted in no corrective action with the officer.

The Office of Operations conducted a random inspection of BWV assigned to Officer Simental from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to having a full two-minute buffer. The results of the inspection indicated Officer Simental was compliant on four of eight selected incidents, which have been addressed with the issuance of a Supervisory Action Item (SAI) and a Notice to Correct Deficiencies.

The investigation revealed that Officer Miller lacked a full two-minute buffer and had a delayed activation for the incident. An analysis by Mission Area and OVB determined that Officer Miller was at Mission Community Police Station conducting follow-up duties. Officer Miller activated his BWV while responding Code-Three to the incident. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. As such, the identified anomaly was not considered a deviation from policy and resulted in no corrective action with the officer.⁹⁷

The Office of Operations conducted a random inspection of BWV assigned to Officer Miller from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to timely BWV activation. The results of the inspection indicated Officer Miller was compliant on seven of eight selected incidents, which have been addressed with the issuance of a SAI and an Employee Comment Sheet.

⁹⁶ Sergeant Kiefer also powered off his BWV device on two occasions during the incident. The first occasion was while calling and briefing the watch commander of the incident and the second occasion was to telephonically update a counterpart of the incident. Per the OVB investigation, the deactivations were justified as an exception under Special Order No. 12.

⁹⁷ Officer Miller had one prior issue with delayed activation on June 29, 2019. Officer Miller's prior incident resulted in a SAI with a disposition of an Informal Meeting. However, since this current incident was not considered a deviation, no progressive discipline was required.

The investigation revealed that Officer Griffin lacked a full two-minute buffer and had a delayed activation for the incident. An analysis by Mission Area and OVB determined that Officer Griffith was observed running out of Mission Community Police Station responding to the additional personnel request. As such, this late activation was deemed reasonable; therefore, the command determined it fell within the guidelines of BWV being activated as soon as practicable, as identified in Special Order No. 12, 2015. Therefore, these identified anomalies were not considered deviations from policy and resulted in no corrective actions with the officer.

The Office of Operations conducted a random inspection of BWV assigned to Officer Griffin from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to having a full two-minute buffer. The results of the inspection indicated Officer Griffin was compliant on seven of eight selected incidents, which have been addressed with the issuance of a SAI and an Employee Comment Sheet.

The investigation revealed that Sergeant Vega lacked a full two-minute buffer for the incident and a delayed activation for the incident. An analysis by Mission Area and OVB determined Sergeant Vega's BWV was activated as his patrol vehicle was stopped with its emergency equipment activated at the intersection of Van Nuys Boulevard and Nordhoff Street. Mission Area and OVB made the determination that Sergeant Vega was in the field without his BWV device being in the on position; as such, the late activation was considered a deviation by the command. Captain Smith addressed the issue through the generation of a SAI and the issuance of a Notice to Correct Deficiencies. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWV associated to Sergeant Vega from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to timely BWV activation. The results of the inspection indicated Sergeant Vega was in compliance.

The investigation revealed that Officer Organista had a late activation of his BWV device for the incident. An analysis by Foothill Area and OVB determined that Officer Organista was at Foothill Community Police Station participating in roll call at his start of watch. An analysis of Officer Organista's history with BWV compliance indicated that he did not have any prior BWV non-compliance incidents. Captain G. Hurtado, Serial No. 34865, Commanding Officer, Foothill Patrol Division, addressed the issue through the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWV associated to Officer Organista from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to timely BWV activation. The results of the inspection indicated Officer Organista was in compliance.

The investigation revealed that Officer Fischer had a delayed activation of his BWV device. An analysis by Foothill Area and OVB determined that Officer Fischer was at Foothill Community Police Station participating in roll call at start of watch. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. However, Officer Fischer did not activate his BWV until approximately 30 seconds after his arrival on scene. As such, it was considered a deviation from policy. Captain Hurtado addressed the issue through the generation of a SAI and the issuance of an Employee Comment Sheet.

The Office of Operations conducted a random inspection of BWV assigned to Officer Fischer from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to timely BWV activations. The results of the inspection indicated Officer Fischer was compliant on six of eight selected incidents, which have been addressed with the issuance of a SAI and an Employee Comment Sheet.

The investigation revealed that Officer Fonseca lacked a full two-minute buffer on her BWV and had late activations for the incident. An analysis by Foothill Area and OVB determined that Officer Fonseca was at Foothill Community Police Station while she was participating in the start of watch roll call. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. She activated her BWV while responding Code-Three to the incident. She additionally deactivated her BWV at the direction of Sergeant Kiefer to power off her BWV during a briefing of the incident and also permissible under Special Order No. 12, 2015. The additional late activations occurred during an additional search of a residence, after the suspect was taken into custody. Officer Fonseca had one prior BWV non-compliance incident. Captain Hurtado addressed the issue through the generation of a SAI and the issuance of an Employee Comment Sheet.

The Office of Operations conducted a random inspection of BWV assigned to Officer Fonseca from May 1, 2020 through May 31, 2020 for compliance with BWV policy. The results of the inspection indicated Officer Fonseca was compliant on seven of eight selected incidents for timely BWV activation and five of eight selected incidents for having a full two-minute buffer. The inspection results have been addressed with the initiation of a SAI and the generation of a personnel complaint.

The investigation revealed Officer Green lacked a full two-minute buffer on his BWV recording and had a late activation during the incident. An analysis by Foothill Area and OVB determined that Officer Green was at Foothill Community Police Station participating in roll call at start of watch. Officer Green activated his BWV soon after responding Code-Three to the incident. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. The second deactivation was at the direction of Sergeant Kiefer to power off his BWV during a briefing of the incident and was also permissible under Special Order No. 12, 2015. Officer Green powered off his BWV two other times; once prior to

speaking with Sergeant Kiefer and the other was inadvertently done while at scene. Captain Hurtado addressed the inadvertent deactivation of his BWV through the generation of a SAI and the issuance of an Employee Comment Sheet.

The Office of Operations conducted a random inspection of BWV assigned to Officer Green from May 1, 2020 through May 31, 2020 for compliance with BWV policy. The results of the inspection indicated Officer Green was compliant on eight of eight selected incidents for timely BWV activation and seven of eight selected incidents for having a full two-minute buffer. The inspection results have been addressed with the issuance of a SAI and an Employee Comment Sheet.

The investigation revealed Officer Palacios lacked a full two-minute buffer on his BWV recording, had delayed activations and one deactivation on his BWV device. An analysis by Foothill Area and OVB determined that Officer Palacios first BWV issue of concern was at Foothill Community Police Station participating in roll call at start of watch. Officer Palacios activated his BWV while responding Code-Three to the incident. Per the OCPP Notice, the officer was authorized to power down the BWV as the officer was not likely to become engaged in enforcement, investigative actions, or make contact with the community. The second deactivation was at the direction of Sergeant Kiefer to power off his BWV during a briefing of the incident and was also permissible under Special Order No. 12, 2015. Officer Palacios had a delayed activation and deactivation of his BWV during a secondary search. Captain Hurtado addressed the additional BWV issues through training and the generation of a SAI.

The Office of Operations conducted a random inspection of BWV assigned to Officer Palacios from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to timely BWV activations. The results of the inspection indicated Officer Palacios was compliant on seven of eight selected incidents, which have been addressed with the issuance of a SAI and an Employee Comment Sheet.

The investigation revealed that two days prior to the OIS incident, Officer McDermott did not activate her BWV while having contact with Ariel Torres at the front desk of Mission Community Police Station. An analysis by Mission Area determined Officer McDermott did not have any prior BWV non-compliant incidents. Captain Smith addressed the issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWV associated to Officer McDermott from May 1, 2020 through May 31, 2020 for compliance with BWV policy specific to the officer's identified non-compliance. The results of the inspection indicated Officer McDermott was in compliance.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Mission Patrol Division and Foothill GED police vehicles were equipped with DICVS. No DICVS footage captured the OISs involving Officers Herrera, Hernandez, or Zendejas. The DICVS for Officer Green and Fonseca captured the taking of Torres into custody. The DICVS for Officer Moya captured Raul Sr., Monica, and Raul Jr. exiting from their residence.
- **Body Worn Video (BWV)** - Mission Patrol Division and Foothill GED personnel were equipped with BWV at the time of this incident. Officers Herrera's and Hernandez's BWVs captured their OIS incidents. Officer Zendejas' BWV footage captured his OIS incident and Torres being taken into custody. Approximately 73 additional BWVs were identified as being related to this incident. The videos captured activities related to their response, the establishment of a perimeter and the securing of the crime scene.
- **Outside Video Surveillance** - Force Investigation Division investigators located security video at 13141 Ottoman Street. One camera angle captured Torres running toward the front of the residence with a handgun in his right hand. An additional camera angle captured the residents ordering Torres out of their backyard at gunpoint. Torres can then be seen pointing his handgun west toward Arleta Avenue and then collapsing in the alley.

Force Investigation Division investigators located security video from 13113 Ottoman Street. One angle from this video system captured Torres moving south along the west side of 13107 Ottoman Street before jumping a fence and entering the driveway. On a different angle, Carlos can also be seen walking south on the same driveway before running ahead of Torres.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

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BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
42192	Brandenburg, Matthew	Y	Y	Y	NA	NA
42056	Brooks, Todd	Y	Y	Y	NA	NA
38790	Cuellar, Brady	Y	N*	Y	NA	NA
40804	Enrique, Mark	Y	N*	Y	NA	NA
32264	Fisher, John	Y	N*	Y	NA	NA
41863	Fonseca, Dierdre	Y	N*	Y	Y	Y
40814	Gonzales, Santos	Y	Y	Y	NA	NA
36890	Green, Aaron	Y	N*	Y	Y	Y
42066	Griffin, Kyle	Y	N*	Y	NA	NA
43361	Hernandez, Raul	Y	Y	Y	NA	NA
42119	Herrera, Adiel	Y	Y	Y	NA	NA
40905	Ibarra, William	Y	N*	Y	NA	NA
37641	Kiefer, Brandon	Y	N*	Y	NA	NA
43293	Kruse, Brent	Y	N*	Y	NA	NA
43367	McDermott, Lauren	N	N	N	NA	NA
36332	Miller, Michael	Y	N*	Y	NA	NA
39720	Moya, Jose	Y	Y	Y	Y	Y
39830	Organista, Jose	Y	N*	Y	NA	NA
41775	Palacios, Jorge	Y	N*	Y	NA	NA
38705	Peraza, Melvin	Y	Y	Y	NA	NA
42045	Piche, Eduardo	Y	Y	Y	NA	NA
42348	Rodriguez, Felix	Y	Y	Y	NA	NA
42220	Serrato, Leonardo	Y	Y	Y	NA	NA
40928	Sherock, Robert	Y	Y	Y	NA	NA
43708	Simental, Simon	Y	N*	Y	NA	NA
42561	Tsai, Brandon	Y	N*	Y	NA	NA
34248	Vega, Edgar	N	N	Y	NA	NA
40955	Zendejas, Miguel	Y	N*	Y	NA	NA

** These officers responded from non-field duties at an area police station and thus were not required to have their BWVs in stand-by mode until they initiated their response. The officers' BWV devices were activated in a timely manner upon leaving the station. As such, the reduced buffer times noted here do not indicate violations of applicable BWV policy.*

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing and Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- In its review of Officer Zendejas's use of lethal force, the OIG noted that neither the available video evidence nor Officer Zendejas's testimony establish with specificity what Torres's actions with his handgun were at the moment when Officer Zendejas fired his weapon.

Surveillance video shows that Torres raised his right arm and pointed his gun, which was held in his right hand, in the direction of Officer Zendejas and other officers approximately five seconds before he fell to the ground in the alley north of Ottoman Street as a result of being shot. During the five seconds (approximately) after he was recorded pointing his gun at officers, however, Torres lowered the weapon behind a nearby wall such that his actions with it were no longer within the view of the surveillance video camera. No other video evidence appeared to definitively reveal what Torres's actions with the handgun were during this time. Officer Zendejas stated in his testimony that he observed Torres pointing a gun in his and other officers' direction as soon as he first saw Torres in the alley (Officer Zendejas believed that Torres held the gun with both hands and extended both arms as he pointed the weapon). Additionally, the trajectory of the fatal gunshot wound that Torres sustained (right-to-left and front-to-back) is consistent with Torres being in a bladed position with his right side facing toward Officer Zendejas and other officers at the time Officer Zendejas fired at him.

The above-described evidence is consistent with Torres having presented an imminent threat of death or serious bodily injury to Officer Zendejas and other officers at the time that Officer Zendejas fired his weapon. Based on this evidence, the OIG concurs with the Chief's recommended finding of In Policy with regard to the use of lethal force by Officer Zendejas.



MARK P. SMITH
Inspector General